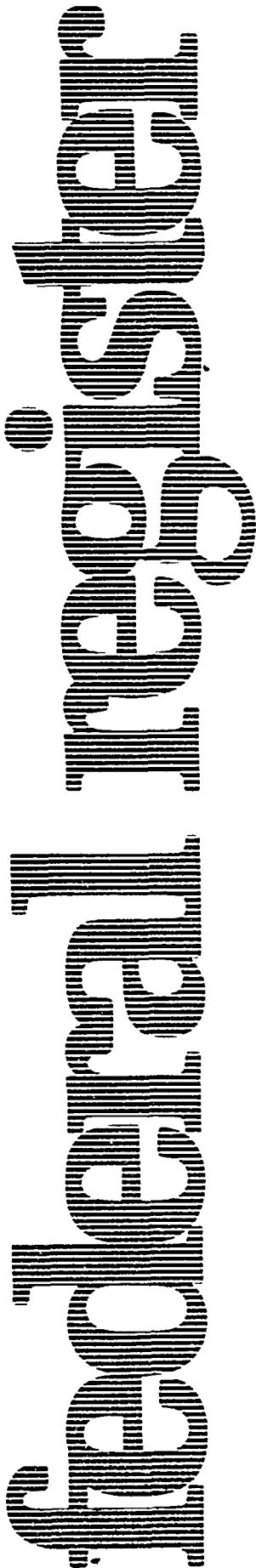


Tuesday
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Highlights

Telecommunications Device for the Deaf—Office of the Federal Register provides a new service for deaf or hearing impaired persons who need information about documents published in the Federal Register. See the Reader Aids section for the telephone listing.

- 24058 Child Labor** Labor/W&H issues rules on waiver provisions for agricultural employment of 10- and 11-year-old minors in hand harvesting of short season crops; effective 4-24-79
- 24106 Protection of Human Subjects** HEW/FDA proposes regulations to provide additional safeguards for the protection of children involved in research activities; comments by 6-25-79
- 24252 Car Safety** Labor/OSHA proposes a new standard for the servicing of multi-piece wheels fitted on vehicles used on and off highways; comments by 7-6-79 (Part III of this issue)
- 24095 Water Power Projects** DOE/FERC proposes to amend regulations concerning applications for licenses under Part I of the Federal Power Act; comments by 5-25-79

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Area Code 202-523-5240

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- 24121 Defense Installations** DOD/Navy gives notice of base closures/realignments and Navy activities to be studied for possible conversion of certain functions to private contractors during fiscal year 1979
- 24053 Housing** HUD revises fair market rents for new construction and substantial rehabilitation in various areas
- 24129 Domestic Crude Oil** DOE/ERA issues monthly entitlement notice which sets forth the entitlement purchase or sale requirements of domestic refiners for February 1979
- 24060 Head Start and Native American Programs** HEW/HDSO revises regulations to delete portions of rules duplicated in departmentwide regulations on Administration of Grants; effective 4-24-79
- 24044 Rural Housing Loans and Grants** USDA/FmHA amends its regulations regarding the terms of Rental Assistance Agreements; effective 4-24-79; comments by 6-25-79
- 24111 Mail** PS issues proposal on mail cover regulations so as to define more specifically when the issuance of a mail cover is necessary to protect the national security; comments by 5-24-79
- 24116 Clean Air** USDA/FS releases notice on review of primitive areas for recommending class I redesignation
- 24103 Gas-Purchase Facilities** DOE/FERC issues proposal respecting budget-type applications; comments by 5-25-79
- 24233 Biological Products** HEW/FDA announces availability of draft proposal to require records and reports of adverse reactions and product experiences; comments by 6-25-79
- 24048 Oil Imports** DOE/ERA rules to conform regulations to implement the terms of Presidential Proclamation No. 4655; comments by 5-22-79
- 24046 Energy** DOE issues rule with respect to the application of the term "transaction" to written variable-price contracts; effective 4-13-79
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Rules and Regulations

Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

Excepted Service; Federal Labor Relations Authority

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: One position of Special Assistant to the Member, GS-301-14, is excepted under Schedule B because it is impracticable to hold competitive examination for it.

EFFECTIVE DATE: April 3, 1979.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3292(a) is added as set out below:

§ 213.3292 Federal Labor Relations Authority.

(a) One position of Special Assistant to Members, GS-301-14.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

[FR Doc. 79-12617 Filed 4-23-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; National Credit Union Administration

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: Managerial and supervisory positions in the National Credit Union Administration Central Liquidity Facility at pay levels greater than the

equivalent of GS-13 are excepted under Schedule B because it is impracticable to hold a competitive examination for them.

EFFECTIVE DATE: April 6, 1979.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3257(a)(1) is added as follows:

§ 213.3257 National Credit Union Administration.

(a) *Central Liquidity Facility.* (1) All managerial and supervisory positions at pay levels greater than the equivalent of GS-13.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

[FR Doc. 79-12618 Filed 4-23-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service, Office of Personnel Management

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C five positions of Associate Director in the Office of Personnel Management because each of the positions are confidential in nature.

EFFECTIVE DATE: January 28, 1979.

FOR FURTHER INFORMATION CONTACT: Donna J. Ashurst, Office of Personnel Management, 202-632-3782.

Accordingly, 5 CFR 213.3391 (c) through (g) are added as set out below:

§ 213.3391 Office of Personnel Management

* * * * *

(c) Associate Director for Agency Relations

(d) Associate Director for Compensation

(e) Associate Director for Executive Personnel and Management Development

(f) Associate Director for Staffing Services

(g) Associate Director for Workforce Effectiveness and Development.

(5 CFR 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

[FR Doc. 79-12619 Filed 4-23-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

Excepted Service; Department of the Treasury

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Counselor on Legislative and Intergovernmental Policy, Office of the Secretary, because the position is confidential in nature.

EFFECTIVE DATE: March 12, 1979.

FOR FURTHER INFORMATION CONTACT: Donna J. Ashurst, Office of Personnel Management, 202-632-3782.

Accordingly, 5 CFR 213.3305(a)(82) is added as set out below:

§ 213.3305 Department of the Treasury

(a) Office of the Secretary. * * *

(82) Counselor on Legislative and Intergovernmental Policy.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

[FR Doc. 79-12620 Filed 4-23-79; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

Domestic Quarantine Notices; Japanese Beetle

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final Rule.

SUMMARY: This document revises the Japanese beetle quarantine and regulations as proposed April 21, 1978 (43 FR 16984). The intended effect of the

action is to regulate only the interstate movement of aircraft in or from regulated airports in quarantined States which pose a threat to spread the Japanese beetle into Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. This revision of the Federal regulations is necessary in order to prevent the spread of the Japanese beetle by means of such aircraft.

EFFECTIVE DATE: April 24, 1979.

FOR FURTHER INFORMATION CONTACT:
H. V. Autry, 301/436-8247.

SUPPLEMENTARY INFORMATION:

Infestations of Japanese beetles are known to occur in 24 States and the District of Columbia. The movement of articles which present a hazard to spread the Japanese beetle from infested areas into noninfested areas are regulated by the Federal Japanese Beetle Quarantine and regulations (7 CFR 301.48 *et seq.*) in cooperation with the quarantined States.

A notice of the Department's intent to prepare a draft environmental impact statement (DEIS) on the Japanese beetle program at airports was published in the Federal Register on April 25, 1978 (43 FR 17515). Comments received were discussed in the notice of availability of the DEIS published May 19, 1978 (43 FR 21709).

On April 21, 1978, the Department proposed to regulate only the interstate movement of aircraft which posed a threat to spread the Japanese beetle into certain States (43 FR 16984). The proposal was based on the Department's belief that the States have the capability to prevent the spread of the Japanese beetle by articles other than aircraft that can spread the pest and that additional Federal regulations are not necessary, except for those regarding the interstate movement of aircraft. Comments were received in response to this proposal, from the Idaho Department of Agriculture, the Michigan Department of Agriculture, the Western Plant Board, the National Plant Board, the American Association of Nurserymen and the Henry Field and Seed Nursery Company of Iowa, and two were received from the California Department of Food and Agriculture. All comments received during the comment period have been considered in the preparation of this final rule.

Two of these comments did not address any specific aspects of the proposal—one of these supported the program and one was seeking further information. One comment questioned if all States have the current capability to prevent the spread of the Japanese beetle by means other than regulated

aircraft. As was maintained in the preamble of the proposal, it is believed the States have this capability.

One of the comments expressed concern about piecemeal State regulations with which to comply. However, regulations will be only imposed in a limited number of States, and variations in these regulations should not be extensive. To further avoid any problems in this regard, the Department has written a "model" State Japanese beetle quarantine which has been provided to State plant regulatory officials. The adoption of this "model" will further serve to create uniformity in this area.

Another comment requested that the final regulation establish additional authority for individual States to enact exterior Japanese beetle quarantines for articles other than aircraft. The individual States retain the authority to enact Japanese beetle quarantines so long as the State regulations do not conflict with Federal regulations. Since the Federal regulations only concern the treatment of aircraft, the States are therefore free to exercise their own authority with regard to the regulation of other products or articles for the purposes of Japanese beetle control.

Another comment suggested that the revised regulations include a definition for the term "Japanese beetle hazardous airports." Plant Protection and Quarantine Programs has determined that the term "regulated airport" should be adopted for use in the final regulations instead of the term "hazardous airport." The latter term, when employed in documents such as press releases, could promote unnecessarily negative connotations and mislead the public regarding the purposes of the program. This change will have no substantive effect upon the regulations. In conformity with this change in terminology, these regulations include a definition of "regulated airport." The Japanese Beetle Program Manual which is incorporated by reference as part of the regulation discusses how airports are declared regulated.

Another editorial change was made in the section which deals with the authorization to designate and terminate designation of regulated airports (§ 301.48-2). The term "aircraft" was substituted for the phrase "regulated articles" since the latter phrase, by definition, applies only to aircraft at an airport which has already been declared regulated.

Other comments included a request that the regulations state an intent to treat Japanese beetle regulated airports

in cooperation with States and airlines and to state an intent to use the most efficient EPA-approved chemicals to treat aircraft and airports. The Department intends to treat airport environments in cooperation with the States and airlines, and the EIS and the Japanese Beetle Program Manual include the information and procedure regarding such treatments. Only insecticides registered with EPA after having been established as safe and efficacious will be used to treat aircraft and airports under the quarantine and regulations.

On September 12, 1978, the Japanese beetle quarantine and regulations were amended to remove from the regulations all references to regulated articles except means of conveyance. It has now been determined that aircraft moving from regulated airports destined for the seven western States of Arizona, California, Idaho, Nevada, Oregon, Utah, or Washington will be the only articles which will be treated for Japanese beetles pursuant to these regulations. These areas are believed to be higher risk areas due to favorable ecological conditions, such as the amount of moisture present in the soil and the temperature. The ecological conditions do not appear to be favorable for the establishment of the beetle in the nonlisted, nonquarantined States. Therefore, §§ 301.48 and 301.48-1 through 301.48-4 are adopted as proposed. Former §§ 301.48-4 through 301.48-7 are no longer applicable because of the revision of the regulations and are deleted. Former §§ 301.48-8, 301.48-9, and 301.48-10 are redesignated as 301.48-5, 301.48-6, and 301.48-7 respectively.

Since regulated, suppressive and generally infested areas are no longer designated under the regulations, section 301.48-2a is deleted. Additionally, since aircraft moving from regulated airports to certain western States are the only regulated articles specified, and, therefore, § 301.48-2b, which formerly named exempted articles, is no longer applicable and is deleted.

The Director of the Federal Register approved the "Plant Protection and Quarantine Treatment Manual" and the "Japanese Beetle Program Manual" for incorporation by reference on June 15, 1978. Footnote 1 relating to the definition for "treatment manual" in section 301.48-1 is therefore amended by adding the statement that these manuals have been incorporated by reference and are on file at the Federal Register. A new footnote 2 is added stating that an incorporation by reference provision

was approved by the Director, Office of the Federal Register, and footnotes 2 and 3 are accordingly redesignated as footnotes 3 and 4 respectively. These are editorial changes and do not affect the substance of the regulations.

An Environmental Impact Statement (EIS) on the Department's Japanese beetle control program was prepared and sent to the Environmental Protection Agency on November 13, 1978. A notice of availability of the final EIS was published in the Federal Register [43 FR 52755] on November 14, 1978.

Since there was a substantial duplication of issues in the development of the EIS and in the proposed revision of the quarantine and regulations, all relevant comments regarding the EIS were also considered in connection with this rulemaking proceeding. These comments are discussed in the EIS.

Accordingly, the Japanese Beetle Quarantine and regulations (7 CFR 301.48 *et seq.*) are revised and for the convenience of interested persons, the entire subpart is set forth as follows:

Subpart—Japanese Beetle

Quarantine and Regulations

Sec.

301.48 Notice of Quarantine; quarantine regulations on interstate movement of regulated articles.

301.48-1 Definitions.

301.48-2 Authorization to designate, and terminate designation of, regulated airports.

301.48-3 Notification of designation and termination of designation of regulated airports.

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301.48-7 Nonliability of the Department.

Subpart—Japanese Beetle

Quarantine and Regulations

§ 301.48 Notice of quarantine, quarantine restrictions on interstate movement of regulated articles.

(a) Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, and 150ee), the Secretary of Agriculture heretofore determined after public hearing to quarantine the States of Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina,

Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia in order to prevent the spread of the Japanese beetle, a dangerous insect injurious to cultivated crops and not theretofore widely prevalent or distributed within or throughout the United States.

(b) No person shall move any regulated article interstate from any regulated airport destined to any of the following States except in accordance with the conditions prescribed in this subpart: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

§ 301.48-1 Definitions.

Terms used in the singular form in this subpart shall be deemed to import the plural and vice versa, as the case may demand. The following terms, when used in this subpart shall be construed, respectively, to mean:

Deputy Administrator. The Deputy Administrator of the Animal and Plant Health Inspection Service, for the Plant Protection and Quarantine Programs, U.S. Department of Agriculture, or any other officer or employee of the Department to whom authority has heretofore been, or may heretofore be, delegated to act in his stead.

Inspector. Any employee of the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person, authorized by the Deputy Administrator to enforce the provisions of the quarantine and regulations in this subpart.

Interstate. From any State into or through any other State.

Japanese beetle. The live insect known as the Japanese beetle (*Popillia japonica* Newm.) in any stage of development (egg, larva, pupa, or adult).

Person. Any individual, corporation, company, partnership, society, or association, or other organized group of any of the foregoing.

Plant Protection and Quarantine Programs. The organizational unit within the Animal and Plant Health Inspection Service delegated responsibility for enforcing provisions of the Plant Quarantine Act and Federal Plant Pest Act, and quarantines and regulations promulgated thereunder.

Regulated airport. Any airport in a quarantined State declared regulated in accordance with provisions in § 301.48-2 of this subpart.

Regulated articles. Aircraft at or from regulated airports.

State. Any State, territory, or district of the United States, including Puerto Rico.

Treatment manual. The provisions currently contained in the "Japanese Beetle Program Manual," and the "Plant Protection and Quarantine Treatment Manual" which are incorporated by reference.^{1 2}

State Plant Regulatory Official. The authorized official of a State who has responsibility for the operation of the State plant regulatory program.

§ 301.48-2 Authorization to designate, and terminate designation of, regulated airports.

(a) An inspector may declare any airport within a quarantined State to be a regulated airport when he determines that adult populations of Japanese beetle exist during daylight hours at the airport to the degree that aircraft constitute a threat to spread the Japanese beetle and aircraft destined for the States listed in § 301.48(b) may be leaving the airport.

(b) An inspector shall terminate the designation provided for under paragraph (a) of this section when he determines that adult populations of Japanese beetle no longer exist at the airport to the degree that the aircraft pose a threat to spread the Japanese beetle.

§ 301.48-3 Notification of designation, and termination of designation, of regulated airports.

Upon designating, or terminating the designation of, an airport as regulated, the inspector shall give written notice to the official in charge of the airport that the airport has been designated as a regulated airport or that the designation has been terminated. The inspector shall also give the same information in writing to the official at the airport in charge of each airline or the operator of any other aircraft, which will move a regulated article to any State designated in § 301.48(b). The Deputy Administrator shall also give the same information to the State Plant Regulatory Official of each State designated in § 301.48(b) to which any regulated article will move.

§ 301.48-4 Conditions governing the interstate movement of regulated articles from quarantined States.³

A regulated article may only be moved interstate from a regulated airport to any State designated in

¹ Pamphlets containing such provisions are available upon request to the Deputy Administrator, Plant Protection and Quarantine Programs, APHIS, U.S. Department of Agriculture, Washington, DC 20250, or from an inspector and are on file at the Federal Register.

² Note.—Incorporation by reference provisions approved by the Director, Office of the Federal Register, on June 15, 1978.

³ Requirements under all other applicable Federal domestic plant quarantines must also be met.

§ 301.48(b) if: (a) The regulated article has been treated in accordance with the Treatment Manual, or (b) if the inspector, upon visual inspection, determines that the regulated article does not present a threat to spread the Japanese beetle because adult beetle populations are not present with regard to the particular regulated article, or (c) if the regulated article arrives and leaves the regulated airport during the same non-daylight period.

§ 301.48-5 Inspection and disposal of regulated articles and pests.

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of or require disposal of regulated articles and Japanese beetles as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd) in accordance with instructions issued by the Deputy Administrator.

§ 301.48-6 Movement of live Japanese beetles.

Regulations requiring a permit for and otherwise governing the movement of live Japanese beetles in interstate or foreign commerce are contained in the Federal Plant Pest Regulations in Part 330 of this chapter. Applications for permits for the movement of the pest may be made to the Deputy Administrator.

§ 301.48-7 Nonliability of the Department.

The U.S. Department of Agriculture disclaims liability for any costs incident to inspections or compliance with the provisions of the quarantine and regulations in this subpart other than for the services of the inspector.

(Secs. 8 and 9; 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; (7 U.S.C. 161, 162, 150ee); 37 FR 28464, 28477; 38 FR 19141)

This amendment relieves certain restrictions heretofore imposed, and should be made effective promptly in order to be of maximum benefit to the persons subject to the restrictions that are being relieved. Also, it does not appear that additional relevant information would be made available to the Department by further public participation in rulemaking proceedings on the amendment.

Accordingly, it is found, under the administrative procedure provisions of 5 U.S.C. 553, that further notice and other public procedure with respect to this amendment are unnecessary, and good cause is found for making it effective less than 30 days after publication in the Federal Register.

Done at Washington, D.C., this 20th day of April 1979.

This rule has been reviewed under the USDA criteria established to implement E.O. 12044, "Improving Government Regulations," and has been designated "significant." A Draft Impact Analysis Statement has been prepared and is available from Plant Protection and Quarantine Programs, APHIS, Room 633, Federal Building, Hyattsville, MD 20782.

James O. Lee, Jr.,

Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

[FR Doc. 79-12752 Filed 4-23-79; 8:45 am]

BILLING CODE 3410-10-M

7 CFR Part 331

Emergency Plant Pest Regulations Governing Interstate Movement of Certain Products and Articles; West Indian Sugarcane Root Borer

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document gives notice of the existence of an emergency situation and regulations related thereto due to the discovery of the West Indian sugarcane root borer in shipments of plants to noninfested areas of the United States from Puerto Rico and the Virgin Islands of the United States (U.S. Virgin Islands). The emergency regulations regulate the movement from Puerto Rico and the U.S. Virgin Islands of plants and plant parts and plant products capable of propagation, and cut flowers. These emergency regulations are needed in order to prevent the spread of the West Indian sugarcane root borer.

EFFECTIVE DATE: April 24, 1979.

FOR FURTHER INFORMATION CONTACT: H. V. Autry, 301-436-8247.

SUPPLEMENTARY INFORMATION:

Infestations of the West Indian sugarcane root borer occur in Puerto Rico and the U.S. Virgin Islands. The pest is native to the West Indies, causing serious damage to agricultural crops, chiefly sugarcane. It also attacks citrus and other commercial crops including seed corn, sweetpotatoes, cotton, and peppers. The first infestation in the continental United States was found in Florida in 1968. The pest has been confined to a small portion of Florida in parts of Broward, Orange, and Seminole Counties. The State of Florida has promulgated regulations against this pest, and the Animal and Plant Health Inspection Service cooperates with Florida in its program to prevent artificial spread of the pest. Puerto Rico

has regulations governing the growing and movement of nursery grown plants, but in spite of the inspection procedures in Puerto Rico, the West Indian sugarcane root borer continues to be found in shipments of nursery grown plants coming into the mainland U.S. Shipments of infested plants arriving in mainland ports of entry pose a threat of spreading the pest in the United States. Although at present there is minimal movement of plants and plant parts and plant products capable of propagation, and cut flowers directly from the U.S. Virgin Islands into other areas of the United States, there are frequent movements of these articles from the U.S. Virgin Islands into Puerto Rico. This presents opportunity for exposure to infestation and also for transshipments of infested plants and plant parts and plant products capable of propagation, and cut flowers to those other areas of the United States. Consequently, it is necessary to quarantine the U.S. Virgin Islands as well as Puerto Rico because of the risk of spreading the pest.

Therefore, Federal regulations are needed to prevent the spread of the West Indian sugarcane root borer with nursery grown plants and plant parts and plant products capable of propagation, and cut flowers from Puerto Rico and the U.S. Virgin Islands to other areas of the United States.

Based on the above information, Mr. James O. Lee, Jr., Deputy Administrator of the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, has determined that, in order to prevent the possibility of artificially spreading the West Indian sugarcane root borer with plants and plant parts and plant products capable of propagation, and cut flowers to noninfested areas of the United States, emergency regulations restricting the movement of such regulated articles from Puerto Rico and the U.S. Virgin Islands to other areas of the United States must be promulgated immediately. The emergency exists because there is a possibility that those articles listed as regulated articles can carry the West Indian sugarcane root borer to other areas of the United States, unless they have been treated or have not been exposed to the infestation.

Therefore, Chapter III, Title 7 of the Code of Federal Regulations, is hereby amended by adding to Part 331, a new § 331.7 and a subpart heading preceding said section, as follows:

Subpart—West Indian Sugarcane Root Borer

§ 331.7 Notice of existence of emergency and regulations related thereto.

(a) *Definitions.* For the purposes of the regulations in this subpart, the following terms shall be construed, respectively, to mean:

Certificate. A document issued by an inspector to allow the movement to any destination of regulated articles that have been treated, or inspected by an inspector and appear to be free from the West Indian sugarcane root borer, or originate in an area found by an inspector to be free of West Indian sugarcane root borer.

Deputy Administrator. The Deputy Administrator of the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or any other officer or employee of the Service, to whom authority to act in his stead has been or may hereafter be delegated.

Inspector. An employee of the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person, authorized by the Deputy Administrator to enforce the provisions of the regulations in this subpart.

Limited permit. A document issued by the inspector to allow the movement of regulated articles from Puerto Rico and U.S. Virgin Islands to a specified destination.

Move. "Move" means ship, deposit for transmission in the mail, otherwise offer for shipment, offer for entry, import, receive for transportation, carry, or otherwise transport or move or allow to be moved, by mail, or otherwise. "Moved" and "Movement" shall be construed accordingly.

Plants. Plants for or capable of propagation including annuals, biennials, both herbaceous and woody perennials, and also all plant parts and plant products thereof capable of propagation including nursery stock, cuttings, grafts, scions, and understocks.

Regulated Article. Any articles as described in § 331.7(c).

Treatment. Procedures prescribed by the Deputy Administrator to destroy infestation as authorized in the Plant Protection and Quarantine Treatment Manual^{1,2} and West Indian Sugarcane

Root Borer Program Manual.^{1,3} "Treat" and "Treated" shall be construed accordingly.

Under the direction of. Monitoring treatments to assure compliance with the requirements in this subpart.

United States. The States, the District of Columbia, Guam, Puerto Rico, the Northern Mariana Islands, and the Virgin Islands of the United States.

(b) Infestations of the West Indian sugarcane root borer (*Diaprepes abbreviatus* (L.)), a dangerous plant pest not widely prevalent or distributed within and throughout the United States, have been found in Puerto Rico and the Virgin Islands of the United States (U.S. Virgin Islands) and in shipments of plants and plant parts and plant products capable of propagation, and cut flowers from Puerto Rico. Therefore, as an emergency measure to prevent the interstate spread of West Indian sugarcane root borer, the following rule, which imposes restrictions upon the movement of certain products and articles from Puerto Rico and the U.S. Virgin Islands into other areas of the United States, is adopted. The products and articles specified in paragraph (c) of this section shall not be moved from Puerto Rico and the U.S. Virgin Islands into other areas of the United States unless—

(1) Such regulated articles have been subjected to treatment to destroy West Indian sugarcane root borer under the direction of an inspector and the regulated articles are accompanied by a certificate; or

(2) Such regulated articles are accompanied by a certificate and originate from an area in Puerto Rico or the U.S. Virgin Islands that has been inspected by the inspector and has been found to be free from West Indian sugarcane root borer; or

(3) Such regulated articles originate from Puerto Rico or U.S. Virgin Islands and, upon inspection, the inspector determines such regulated articles to be free of West Indian sugarcane root borer and the regulated articles are accompanied by a certificate; or

(4) Such regulated articles are moved under a limited permit to a destination, where the movement will not result in the spread of West Indian sugarcane root borer and the movement will not violate any other applicable Federal domestic quarantine, as determined by the Deputy Administrator and destination State officials.

Register on June 15, 1978, and copies of the manual are on file at the Federal Register.

³ The West Indian Sugarcane Root Borer Program Manual is published as an appendix to these regulations.

(c) The following products and articles are subject to the emergency measures imposed under this section:

(1) All plants and plant parts and plant products capable of propagation:

(2) Cut flowers.

Appendix.—United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine Programs, December 1978

West Indian Sugarcane Root Borer Program Manual**Contents—Authorization and Notice****I. General Information.****A. Economic Importance.****B. Distribution.****C. Hosts.****D. Life History.****E. Description.****II. Survey Procedures.****A. General.****B. Survey in Regulated Areas.****1. Adult.****2. Larval.****C. Delimiting.****D. Detection.****E. Tools.****F. Maps.****III. Regulatory Procedures.****A. Instructions to Officers.****B. Authorized Chemicals.****C. Approved Treatments.****1. Potting & Bench Soil.****2. Unrooted Cuttings without Foliage.****3. Unrooted Cuttings with Foliage.****4. Rooted Cuttings & Potted or Balled Ornamental Plants with Foliage.****IV. Control Procedures.****A. Purpose.****B. Authorized Chemicals.****C. Approved Treatments.****V. Safety Precautions.****Authorization**

This manual contains instructions for program activities concerning the West Indian Sugarcane Root Borer (*Diaprepes abbreviatus*).

The Federal regulations as they apply to West Indian sugarcane root borer set forth the conditions governing the movement of regulated articles.

One of the provisions for issuing certificates is the treatment of articles under the direction of an authorized officer in accordance with administratively approved procedures.

Procedures outlined in Section III of this manual are administratively authorized for the treatment of the listed articles. Other articles which may require treatment to prevent spread of the West Indian sugarcane root borer, as determined by an officer, likewise may be treated in accordance with procedures contained herein.

These treatment procedures are based on information developed by both State and Federal agencies.

Notice

Recommendations in this manual which involve the use of pesticides concern products which have been registered under

¹ Pamphlets containing such provisions are available upon request to the Deputy Administrator, Plant Protection and Quarantine Programs, APHIS, U.S. Department of Agriculture, Washington, D.C. 20250, or from an inspector.

² Note: Incorporation by reference of the Plant Protection and Quarantine Treatment Manual approved by the Director, Office of the Federal

the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. Precautions on the pesticide label and all instructions in this manual must be carefully followed.

Plant Protection and Quarantine Programs personnel may not make any warranty or representations, expressed or implied, concerning the use of these pesticides and shall not be responsible for any loss, damage, or injury sustained as a result of the use of any pesticide as specified in this manual.

The use of trade names in this manual does not imply an endorsement of those products or of the manufacturers thereof by Federal/State pest control programs.

Dated: January 25, 1979.

James O. Lee, Jr.
Deputy Administrator, Plant Protection and Quarantine Programs.

500 West Indian Sugarcane Root Borer (*Diaprepes abbreviatus*.) Program Manual

I. General Information

A. Economic Importance.—The West Indian sugarcane root borer, a member of the family Curculionidae (snout beetles or weevils), has been a serious pest primarily of citrus and sugarcane. Damage is caused by both the adult and larval forms. The larval forms can cause more severe damage than the adults. Larval damage to citrus roots is in the form of girdling and channeling through the cambium. Frequently the tap root is the initial target and is girdled causing the root to die. The lateral roots are also attacked. This type of root feeding causes a general decline in the condition of the tree and during prolonged droughts can kill the tree. A secondary effect of this type of feeding is that it leaves the roots vulnerable to fungus diseases such as Phytophthora root rot. This has been observed in citrus nursery plantings and commercial groves in the Florida infested area. If control measures are not used, the trees become unproductive to the point where they are of little commercial value and should be removed. Adult feeding is usually in the form of typical weevil notching around the edges of leaves, primarily on new growth. This also can be of economic importance if allowed to go uncontrolled. Prior to the beginning of the foliage spray program in Florida, heavy infestations completely stripped citrus trees of new growth. Certain species of native trees in Puerto Rico are occasionally defoliated.

In 1964 a single adult specimen of *Diaprepes abbreviatus* was collected in a citrus nursery at Apopka, Florida. This area was kept under surveillance; however, no additional specimens were collected until September 1968 when an adult and several larvae were collected at the original site. Additional surveys were begun immediately, and approximately 5,000 acres of citrus in the Apopka and Plymouth, Florida, areas have been found infested.

B. Distribution.—The insect occurs in Puerto Rico, Haiti, Dominican Republic, Mona Island, Guadeloupe, Martinique, St. Lucia, Monserrat, St. Vincent, Barbados, Tortola, St. Thomas, and St. Croix. Two separate infestations have been found in

Florida, mostly in Orange and Seminole Counties and a small infestation in Broward County.

C. Hosts.—The adults are general feeders. Economic loss occurs to citrus and sugarcane. Among numerous secondary hosts are: avocado, cotton, beans, rose, mombin, coffee, vegetables, various live roots or tubers, mango, various trees, potato, tobacco, celery, pineapple, yam, cut flowers, and prickly pear.

The name West Indian sugarcane root borer was probably given because it was first found on sugarcane. Citrus is the primary host in Florida.

D. Life History.—The exact life history has not been determined for the Florida infested area.

In the Florida area, adults begin to emerge from the soil in great numbers during early May through October. They are found in considerably fewer numbers in November through April. Oviposition occurs from three to seven days after emergence and often continues daily for several months. The number of eggs per cluster averages about 75 under Florida field conditions, and a single female may lay more than 5,000 eggs during her life. The eggs are usually in a single layer, often with the cluster irregularly shaped. They are laid between leaves stuck together with an adhesive produced by the female. Often the female has used so much adhesive in holding the leaves together that the larvae cannot get out immediately and must wait until others have hatched and escaped at points where the adhesive is less abundant. In Florida, dead larvae have been found sealed between the leaves. Apparently, they were unable to break the seal and died. Egg clusters may be found by looking for two leaves stuck together in an unnatural manner.

The eggs hatch almost uniformly in seven days. The newly hatched grubs move across the leaf surface and fall to the ground. Normally they do not burrow into the soil immediately but continue to move over the surface for several days. Then they burrow into the ground and find suitable roots for food. As they increase in size, they travel considerable distances through the soil. The larger grubs are seldom concentrated at points near where the eggs are laid.

According to Wolcott, the number of molts is extremely variable, from six to sixteen, with eight being the average. Wolcott described a diapause period before the mature larva pupates which may last from two to thirteen months. However, he states that this does not appear to be a true diapause because of grub movement in the soil. Prior to pupation, a vertical chamber is formed in the soil in which the larva in a head-up position compacts the soil by spinning on its caudal end. Pupation occurs within two or three weeks after the chamber is formed. The pupal period lasts from two to three weeks. The newly formed adults remain in the pupal chamber for a minimum of 11 days and a maximum of 126 days. Considerable variation also occurs in the length of time from larval hatch to pupation. This contributes to a total life cycle of less than 1 year to more than 2 years. Due to this variable, adults have been observed to be active during all months of the year.

(Wolcott, G. N., 1936. The Life History of *Diaprepes abbreviatus* at Rio Piedras, Puerto Rico. Journal Agr. Univ. Puerto Rico 20(4):883-914)

The following is a diagram of the life cycle from observations in Puerto Rico: Egg—Larva—(7 days) (6 to 18 instars + diapause)—pupae—(less than 1 year or over 2 years) adult (2-3 weeks).

E. Description.—The adult weevils are highly variable in color pattern and size. Rarely are two identical specimens found. Specimens sometimes show a pale green reflection, especially on the pronotum. The weevils are really black, but thickly covered with minute white or bright-colored scales on the elytra or wing covers. These round or oval scales on the ridges of the elytra are often rubbed off, greatly changing the appearance of the weevils by forming a pattern of denuded black bands on a white or light-colored background. The color of the scales varies from white to bright orange, red, or yellow. The length of the adult varies from 9.5 to 19mm ($\frac{3}{8}$ to $\frac{3}{4}$ inches), the females averaging larger than the males. The sexes can be distinguished externally by an examination of the last segment of the ventral surface of the abdomen. In the female the sides of this segment are straight and converge to a distinct point at the tip, while in the male the sides are somewhat curved, curving in towards the rounded tip of the segment.

The eggs, laid in clusters, are oblong-oval, smooth, glistening, and about 1.2mm long by 0.4mm in diameter. Those about to hatch have a brownish tinge at one end, and the mouthparts of the larva contained within are visible through the walls of the egg.

The larvae are white, legless grubs about 13mm ($\frac{1}{2}$ inch) long in the last molt. The head has a variable pattern of light and dark areas. They are similar in general appearance to the citrus root weevil.

II. Survey Procedures

A. General.—Survey for the West Indian sugarcane root borer is dependent upon visual inspection of the citrus trees and examination of the flush or new growth for feeding signs. The adult weevil is easily identified, but the feeding signs very closely resemble that of native pests of citrus.

Survey for adult weevils is most effective from early May to late October. The greatest buildup of adults occurs during the months of September and October. The adults feed primarily on the tender new growth. They are capable of flight but rarely do so and then for only a short distance. They are easily shaken off the leaves but attach themselves firmly to the next object that they contact. When the adults fall to the ground, they hide quickly and are difficult to find. The weevils are social in nature and usually two or more are found on the terminal leaves of infested trees.

The adult weevil begins feeding on the leaf margin and in light to medium infestations the damage consists of a series of circular or oblong cuts around the leaf margin. The cuts are always smooth and never serrated. Fecal smears may be present on the leaf, but this is not a constant characteristic. Adult weevils may be found feeding on new (tender) foliage

anywhere on the tree, but they seem to prefer the upper portion of the trees.

Larval surveys are not recommended for detection or delimiting but, if digging for larvae is necessary, it is most effectively done during the months of February, March, and April. The larvae are usually found from depths of 15-122 cm (6 inches to 48 inches), but the greater number are usually found under the crown roots of the tree at a depth of 15-30 cm (6 to 12 inches).

B. Survey in Regulated Areas.—1. Adult weevil surveys in citrus to determine the need for control is carried out by three-man crews utilizing a survey platform and shaking sticks. The survey platform is approximately 2.5 meters (8 feet) high when mounted on a 4-wheel drive vehicle. The platform is fitted with a railing for safety purposes. The crew consists of two officers on the platform who are equipped with 2 meter (6-foot) long sticks with hooks for shaking the foliage. The vehicle proceeds through every third middle of the grove between two rows of trees at a slow rate of speed, and the men on the platform observe the trees on either side for feeding signs on the flush growth. If suspicious feeding signs or an adult weevil is found, the vehicle stops and the foliage is shaken. The driver stands where he can observe any falling weevils and collects them. Light colored sheeting may be used as a ground cover to collect falling adults.

A population level at which control should be implemented will be established prior to survey. When this level is reached, survey should be discontinued.

2. Larval surveys should be based on past adult history. Trees with old feeding signs are also good indicators. Trees in a decline condition may also mean heavy larval feeding damage. A shovel is used to dig under the tree, usually the area around and under the crown roots is most productive. The soil is placed into a mechanical shaker equipped with a 1/8 inch mesh screen. As the soil passes through the screen, the larvae are readily visible. If a mechanical shaker is not available, a screen can be utilized with a hand cradle.

C. Delimiting Surveys.—A delimiting survey is conducted using the same procedure as adult surveys in the regulated area. When one weevil is found the entire grove should be considered infested and survey crews should move to the adjacent property. Surveys should extend one mile beyond known or discovered infestations.

D. Detection Surveys.—Detection survey is based on biometrical concepts and a grid sampling design. The area to be surveyed must be precisely defined. Survey points are plotted on U.S. Geological Survey topographic maps (1:24000) using a plastic template with holes 25 mm (1 inch) apart. Approximately seven locations per section (259 hectares or 640 acres) are marked and are surveyed if they fall within a citrus grove. To assure a 95 percent probability of detecting a 0.10 percent infestation rate, not less than 3000 of these points must be inspected.

In Citrus: A three-man crew equipped with an elevated platform mounted on a 4-wheel drive vehicle (IHC Scout) and shaking sticks locates the survey point in the field and inspects .5 kilometer (one-third linear mile) of citrus row. This represents a 0.4 hectare (1-acre) survey at each location. If the grid survey mark should fall within a city, then the area is located and dooryard citrus and other possible host plants are inspected on a city block.

E. Tools.—*Survey Platform.* An elevated platform mounted on a 4-wheel drive vehicle allows the survey crews to observe feeding signs at a much greater height. Since the weevil prefers the higher levels of the tree, this increases the chances of finding an infestation.

Shaking Stick. A 2 meter (6-foot) long stick similar to a hoe or shovel handle with a hook attached is used to shake the higher limbs that could not be reached otherwise. A white plastic sheet may be placed under the tree to catch falling insects.

Mechanical or Hand Shaker. A mechanical shaker equipped with a 3.2 mm (1/8 inch) mesh screen has worked well and is more reliable and much faster than hand sifting the soil in detecting larval infestations.

F. Maps.—Aerial photographs (scale 8 inches to 1 mile) are very useful for survey maps in infested areas. Each infested area is divided into 259 hectare (640-acre) sections containing the infested properties. The area is designated by a Roman numeral, the section by a letter of the alphabet, and the properties by Arabic numerals (i.e., II B-10). An accurate history of each property can be kept by use of this identification code.

A drawing of each section containing outlines of commercial citrus and roads can be made with tracing paper. Copies of these tracings are better utilized for survey by the

field crews because of their smaller size. U.S. Geological Survey topographic maps are utilized for detection survey. These maps show types of terrain and vegetation and the survey points can be plotted on the areas containing citrus. A county highway map (scale 1/2 inch to 1 mile) can be used as a master map in the office showing general areas covered.

All maps should be kept current to accurately reflect host growing areas, infested and regulated areas, etc.

III. Regulatory Procedures

A. Instructions to Officers.—Officers must know and follow instructions in this manual as a basis for the treatment or other procedures to be followed in authorizing the movement of regulated articles. This manual will serve as a basis for explaining such procedures to persons interested in moving articles affected by quarantine regulations. Only the treatments or other procedures authorized herein shall be utilized.

Officers will furnish complete information to anyone interested in moving regulated articles. The shipper may select the procedure which appears to be most practical from his standpoint. Officers may guide shippers in the selection of authorized procedures.

The shipper should be advised to apply selected treatments to small quantities of material prior to treating larger quantities to assure that there will be no injury. Shippers should be advised to provide treating material in reasonable excess of calculated amounts to provide for unavoidable losses.

Monitoring inspection will be conducted to assure correct application of treatments and procedures.

B. Authorized Chemicals.—The following chemicals are authorized for treatment of regulated articles for West Indian sugarcane root borer:

Chemicals: acephate, carbaryl, heptachlor, Abate[®], Dursban[®].

C. Approved Treatments.—Articles will be certified for movement based on the following treatments or procedures:

1. Potting and Bench Soil.

Material: Heptachlor 5G.

Dosage: 4 ounces per cubic yard (0.2 ounce AI/cubic yard).

Certification Period: Three years or as long as protected from contamination.

BILLING CODE 3410-34-M

Special Information: Heptachlor is restricted for use as a soil treatment for bedded nonbearing citrus nursery stock which is at least 2 years from commercial fruit production and for potted ornamentals.

2. UNROOTED CUTTINGS WITHOUT FOLIAGE.

Cuttings must be completely free of foliage prior to moving to packing area, packed in approved packing area in containers free of any life stages of Diaprepes and protected from contamination until leaving regulated area.

3. UNROOTED CUTTINGS WITH FOLIAGE.

MATERIAL AND DOSAGE\

Material	Mixing Instructions	Application		Insecticide Actual
		U.S.	Metric	
carbaryl	80WP Sticker* Water	1.56 lbs. 4 oz. 100 gal.	0.7 kg 118 ml 378.5 L	1.25 lbs. per 100 gallons
acephate	75 S Sticker* Water	0.67 lb. 4 oz. 100 gal.	030 kg 118 ml 378.5 L	0.5 lb. per 100 gallons

*such as Nu-Film 17

Special Information. The pH of water used in mixing pesticides must be checked and adjusted within a range of pH 6.0-7.0 prior to mixing. The pH should be adjusted with commercially available phosphoric acid (85 percent). Generally, 31 ml. (one ounce) of phosphoric acid will adjust 1900 liters (500 gallons) of water from a pH of 9.0 to the acceptable level.

- (1) Move (within 24 hours) after treatment to approved storage and hold therein for at least 10 days, and
- (2) Pack in pest-free containers in approved packing area, and protect from contamination until leaving regulated area.

Caution: Plants treated with acephate must have all edible fruit, green or mature, removed prior to treatment.

4. ROOTED CUTTINGS AND POTTED OR BALLED ORNAMENTAL PLANTS WITH FOLIAGE.

- a. Grown in approved enclosure, in sterile media, on benches at least 18 inches above ground level or on approved floors.

Or

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b. Treated as follows: (1) Foliage sprayed or dipped with carbaryl or acephate as in 3 above, *and*

(2) Moved to approved enclosure within 24 hours and held for at least 10 days, *and*

(3) Dip treated with Dursban or Abate as follows:

Abate: Dosage: 2.69 pounds AI/100 gallons Abate-water mixture.

Exposure Period: To the saturation point.

Dursban: Dosage: 2.0 pounds AI/100 gallons Dursban-water mixture.

Exposure Period: To the saturation point, *and*

(4) Packed in pest-free containers in approved packing area and protected from contamination until leaving regulated area.

Note.—Plants shipped from Puerto Rico and the U.S. Virgin Islands are not permitted in soil. (7 CFR 318.60)

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IV. CONTROL

A. PURPOSE

To provide population suppression of adults to minimize spread, or as a supplemental treatment for regulatory purposes. (See section III of this manual.)

B. AUTHORIZED CHEMICALS

acephate
carbaryl

C. TREATMENTS

Commercial citrus groves.

1 Using Hydraulic sprayers

MATERIAL AND DOSAGE

Material	Mixing Instructions	U.S.		Application	Actual Insecticide
			Metric		
carbaryl	80 WP Sticker* Water	1.56 lbs. 4 oz. 100 gal	0.7 kg 118 ml 378.5 L	Apply to point of run off	1.25 lbs per 100 gallons
acephate	75 S Water Sticker*	0.67 lb. 100 gal 4 oz.	0.30 kg 378.5 L 118 ml	Apply to point of run off	0.5 lb. per 100 gallons

*such as Nu-Film 17

Special Information. The pH of water used in mixing pesticides must be checked and adjusted within a range of pH 6.0-7.0 prior to mixing. The pH should be adjusted with commercially available phosphoric acid (85 percent). Generally, 31 ml (one ounce) of phosphoric acid will adjust 1900 liters (500 gallons) of water from a pH of 9.0 to the acceptable level.

2. Aerial application by helicopters or fixed wing aircraft.

MATERIAL AND DOSAGE

Material	Mixing Instructions			Application	Actual Insecticide
		U.S.	Metric		
acephate	75 S	1.25 lbs.	0.6 kg	5 gal.(18.925L) per acre 46 76 L per hectare	1.0 lb./acre or 1.12 kg/hectare
	Sticker*	0.2 oz.	6 ml		
	Water	5 gal	20 L		

*such as Nu-Film 17

Caution: Fruit treated as a result of treatments with acephate shall not be harvested for a minimum of 21 days following treatment.

V SAFETY PRECAUTIONS

Pesticides, if improperly used, may injure people, wildlife, bees, etc., or damage regulated articles.

Officers must follow safety precautions on the pesticide label.
A list of poison control centers is located in each PPQ vehicle.

FIRST AID SUGGESTIONS

In case of accidental poisoning or as soon as any person shows symptoms of having been affected by any pesticides.

- 1 Remove the victim to a place where he will be safe from any further contact with the pesticide.
2. Cause the victim to lie down and remain quiet.
3. CALL A PHYSICIAN and inform him/her as to the name and formulation of the pesticide in use and as to any first aid given.
- 4 If needed, the local poison control center telephone number may be found on the inside front cover of the local telephone directory

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(Sec. 105, 71 Stat. 32, sec. 106, 71 Stat. 33, sec. 107, 71 Stat. 34 (7 U.S.C. 150aa-150jj); 37 FR 28464, 28477, as amended; 38 FR 19141)

Due to the possibility that West Indian sugarcane root borer could be spread artificially to other areas of the United States, an emergency situation exists requiring immediate action to control the spread of this pest, a dangerous plant pest which is not widely prevalent or distributed within and throughout the United States.

Therefore, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that further notice and public participation regarding this regulation are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making said regulation effective less than 30 days after publication in the Federal Register.

Done at Washington, D.C., this 18th day of April 1979.

Note: This final rulemaking is being published under emergency procedures as authorized by E.O. 12044. It has been determined by James O. Lee, Jr., Deputy Administrator, Plant Protection and Quarantine Programs, APHIS, that the possibility of the spreading of the West Indian sugarcane root borer into the United States from Puerto Rico and the U.S. Virgin Islands through plant and plant parts and plant products capable of propagation, and cut flowers is severe enough to warrant the publication of this amendment without waiting for public comment. An impact analysis statement will be prepared and will be available from Plant Protection and Quarantine Programs, APHIS, Room 635, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782, 301-436-8249. In addition the regulations covering West Indian sugarcane root borer will be scheduled for review under provisions of E.O. 12044.

J. F. Spears,
Acting Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.
[FR Doc. 79-12500 Filed 4-23-79; 8:45 am]
BILLING CODE 3410-34-M

Farmers Home Administration

7 CFR Part 1822

Rural Rental Housing Loan Policies, Procedures, and Authorizations; Amendment

AGENCY: Farmers Home Administration, USDA.

ACTION: Final Rule with comments requested.

SUMMARY: The Farmers Home Administration amends its regulations regarding the terms of Rental Assistance Agreements. The intended effect of this action is to eliminate confusion

concerning present definitions and to permit five year terms to be used on some new construction projects. This change will also clarify the modification of Rental Assistance Agreements.

DATES: Effective April 24, 1979. However comments must be received on or before June 25, 1979.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT: Russell Gibler, Phone: 202-447-7207

SUPPLEMENTARY INFORMATION: Paragraph IX B of Exhibit R, Subpart D, Part 1822, Chapter XVIII, Title 7 in the Code of Federal Regulations is amended so that the term "For New Construction" is changed to read "Twenty (20) Year Agreement" and the term "For Existing" is changed to read "Five (5) Year Agreement." This will provide for a more descriptive definition of the terms. Added to the definitions is a provision for modification of a Rental Assistance Agreement.

It is the policy of this Department that rules relating to public property loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules.

This amendment however, is being published effective immediately but with comments requested. This action is being taken since this change helps to ensure that no low income person or family will be denied the benefits of rental assistance by allowing for the use of 5 year agreements when 20 year agreements are available for new projects. Therefore this form is used to eliminate any delay in the development of additional housing for low income persons and at the same time permit public participation in the rulemaking process. Comments made pursuant to this notice will be considered. This determination has been made by Russell Gibler.

Therefore, Exhibit R paragraphs IX B 1 and 2 are revised and IX B 3 is added and read as follows:

PART 1822—RURAL HOUSING LOANS AND GRANTS

EXHIBIT R [AMENDED]

IX. Terms of the Rental Assistance Agreement.

* * * * *

B. Terms

1. **Twenty (20) Year Agreement.** The term of an agreement shall be for a period of twenty (20) years from the effective date of the agreement for new construction projects in which no unit has been occupied. This agreement may be superseded by a modified agreement in accordance with Section 4 of the rental assistance agreement or terminated in accordance with conditions stated in Section 8 or 10 of the rental assistance agreement. Modified agreements will extend only for the remaining period of an original agreement. Upon expiration of the twenty (20) year period, a new agreement may be executed. If a new agreement is considered, it will be made for a period not to exceed five (5) years.

2. **Five (5) Years Agreement.** The term of an agreement shall be for a period of five (5) years from the effective date of the agreement for existing projects when twenty (20) year agreements are not available. This agreement may be superseded by a modified agreement in accordance with Section 4 of the rental assistance agreement or terminated in accordance with conditions stated in Section 8 or 10 of the rental assistance agreement. Modified agreements will extend only for the remaining period of an original agreement. Prior to the termination date of any agreement, a new Form FmHA 444-25, "Request for Rental Assistance," may be submitted. If a new agreement is consummated, it will be made for a period not to exceed five (5) years. A project will be considered existing if one or more units have been occupied.

3. **Modifications.** To modify the number of units assigned to any project, units of the same term as the original agreement will be used. Mixing of agreement terms in any given project is prohibited.

* * * * *

Note.—This regulation has not been determined significant under USDA criteria implementing Executive Order 12044.

Note.—This document has been received in accordance with FmHA Instruction 1901-G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

Authorities: Delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.

Dated: April 5, 1979.

Gordon Cavanaugh,
Administrator, Farmers Home Administration.

[FmHA Instruction 444.5]

[FR Doc. 79-12610 Filed 4-23-79; 8:45 am]

BILLING CODE 3410-07-M

NUCLEAR REGULATORY COMMISSION**10 CFR Part 140****Financial Protection Requirements and Indemnity Agreements; Miscellaneous Amendments****Correction**

In FR Doc. 79-10853, appearing at page 20632, in the issue of Friday, April 6, 1979, on page 20633, make the following corrections:

(1) In the first column in paragraph 15, in the second line, correct "Article III" to read "Article II".

(2) In paragraph 17, in the first line, correct "Appendix G" to read "Appendix H".

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY**10 CFR Part 205****Administrative Procedures and Sanctions; 1979 Interpretations of the General Counsel**

AGENCY: Department of Energy.

ACTION: Notice of Interpretations.

SUMMARY: Attached is the Interpretation issued by the Office of General Counsel of the Department of Energy under 10 CFR Part 205, Subpart F, during the period March 1, 1979, through March 31, 1979.

Appendix B identifies those Requests for Interpretation which have been dismissed during the same period.

FOR FURTHER INFORMATION CONTACT: Diane Stubbs, Office of General Counsel, Department of Energy, 12th & Pennsylvania Avenue NW., Room 1121, Washington, D.C. 20461 (202) 633-9070.

SUPPLEMENTARY INFORMATION: Interpretations issued pursuant to 10 CFR Part 205, Subpart F, are published in the Federal Register in accordance with the editorial and classification criteria set forth in 42 FR 7923 (February 8, 1977), as modified in 42 FR 46270 (September 15, 1977).

These Interpretations depend for their authority on the accuracy of the factual statement used as a basis for the Interpretation (10 CFR 205.84(a)(2)) and may be rescinded or modified at any time (§ 205.85(d)). Only the persons to whom Interpretations are addressed and other persons upon whom Interpretations are served are entitled to rely on them (§ 205.85(c)). An Interpretation is modified by a subsequent amendment to the regulation(s) or ruling(s) interpreted thereby to the extent that the Interpretation is inconsistent with the amended regulation(s) or ruling(s) (§ 205.85(e)). The Interpretations published below are not subject to appeal.

Issued in Washington, D.C., April 10, 1979.

Everard A. Marseglia, Jr.,

Assistant General Counsel for Interpretations and Rulings,
Office of General Counsel.

for the sale of motor gasoline would constitute the imposition of a more stringent credit term than the credit terms in effect on May 15, 1973, in violation of § 210.62(a).

The General Allocation and Price Rules, set forth at 10 CFR Part 210 and adopted on January 14, 1974, 39 FR 1924 (January 15, 1974), were intended to set forth the provisions applicable to both the Mandatory Petroleum Allocation Regulations (10 CFR Part 211) and the Mandatory Petroleum Price Regulations (10 CFR Part 212). The allocation and price regulations were adopted to implement the statutory mandate of Section 4(a) of the Emergency Petroleum Allocation Act of 1973 (EPAA), as amended, Pub. L. No. 93-159 (November 27, 1973).¹

Section 210.62(a) regulates credit terms as a function of price in recognition of the varying roles that credit and other conditions of sale play in the flow of product.² Section 210.62(a) provides in relevant part:

"Suppliers will deal with purchasers of an allocated product according to normal business practices in effect during the base period specified in Part 211 for that allocated product, and no supplier may modify any normal business practice so as to result in the circumvention of any provision of this chapter Credit terms other than those associated with seasonal credit programs are included as a part of the May 15, 1973 price charged to a class of purchaser under Part 212 of this Chapter. Nothing in this paragraph shall be construed to require suppliers to sell to purchasers who do not arrange proper credit or payment for allocated products, as customarily associated with that class of purchaser . . . on May 15, 1973 However, no supplier may require or impose more stringent credit terms or payment schedules on purchasers than those in effect for that class of purchaser . . . on May 15, 1973. . . ."

According to the facts presented by Sinclair, neither at the present time nor on

¹ 15 U.S.C. 751 *et seq.* (1976).

² Since the decision by the Temporary Emergency Court of Appeals in *Marathon Oil Co. v. FEA*, 547 F.2d 1140 (TECA 1976), there can be no doubt concerning the authority of the Federal Energy Administration (FEA) and its successor, the DOE, to regulate credit terms incident to the mandatory petroleum price regulations. In addition, the DOE has resolved issues similar to the one presented by Sinclair, concerning whether changes in credit terms are permissible in view of the provisions of § 210.62(a). See *Exxon Company, U.S.A.*, 2 DOE §60.150 (October 23, 1978); *Crystal Oil Co.*, 1 FEA §20.161 (October 8, 1974). In *Oil Transit Corp.*, Interpretation 1977-35, 42 FR 54269 (October 5, 1977), the DOE found that requiring purchasers of motor gasoline to incur for the first time the additional cost of obtaining letters of credit guaranteeing payment to Oil Transit would have the effect of imposing a more stringent credit term than the credit terms in effect on May 15, 1973, in violation of § 210.62(a). However, the DOE has not previously considered a case such as the present one where the proposed change in credit terms would apply only after the purchase price is due in full.

Appendix A—Interpretations

No.	To	Date	Category	File No.
1979-03	Sinclair Oil Corporation	March 5	Price	A-349

Interpretation 1979-5

To: Sinclair Oil Corporation

Regulation Interpreted: 10 CFR 210.62(a)

Code: GCW—PI—Normal business practices

Facts

The Sinclair Oil Corporation, a small and independent refiner subject to 10 CFR Part 212, Subpart E, markets petroleum products through its subsidiary, Sinclair Marketing, Inc. (Sinclair). Since May 1973, Sinclair's standard contracts with jobbers and dealers for the sale of motor gasoline have required payment in full within 30 days. Payment in full within 10 days has entitled a purchaser to a 1 percent discount on the purchase price. Sinclair has considered an account outstanding for more than 30 days to be in default and subject to suit. In that instance, collection costs would be assignable to the

account. At the present time, Sinclair desires to modify its standard contracts for the sale of motor gasoline to require a finance charge of one and one-half (1½) percent monthly on the balance of all accounts not paid within 30 days. No other credit terms are to be changed.

Issue

Does Sinclair's proposal to assess a finance charge on all delinquent accounts constitute the imposition of a more stringent credit term than the credit terms in effect on May 15, 1973, within the meaning of 10 CFR 210.62(a)?

Interpretation

For the reasons set forth below, the Department of Energy (DOE) has determined that Sinclair's inclusion of a 1½ percent monthly finance charge on all accounts not paid within 30 days in its standard contracts

May 15, 1973, has the firm's payment schedule included any type of finance charge. Rather, under the terms of the Sinclair contracts, a purchaser who has failed to pay within 30 days is in default and is subject to suit for recovery of the purchase price. Additionally, the contracts provide that collection costs are assignable to the purchaser's account. Under these circumstances, Sinclair's proposed credit term constitutes a change in its normal business practices toward its base period customers. Under the proposed terms, a purchaser would be subject to suit not only for the amount due and any costs of collection but also for the 1½ percent interest charge being assessed monthly on his overdue account. That type of change in Sinclair's contracts would result in the imposition of a more stringent credit term than that in effect on May 15, 1973, since on that date Sinclair's purchasers were not required to incur the additional cost of a 1½ percent finance charge on any unpaid balance of the purchase price. Section 210.62(a), of the DOE regulations does not permit a firm to unilaterally impose a payment term of this type where none had existed on May 15, 1973.

This conclusion is also consistent with and furthers the underlying policy of § 210.62(a). In Section 4(b)(1)(B) of the EPAA, the Congress expressly directed that petroleum regulations be promulgated which, to the maximum extent practicable, provide for the maintenance of all public services, including services which serve the public at large. The threat of a new finance charge could inhibit the jobbers and dealers who have purchased motor gasoline from Sinclair from continuing to do so and thus frustrate or even interrupt the flow of Sinclair's product to the public.

The fact that § 210.62(a) does not require that a supplier sell to a purchaser who does

not arrange proper credit or payment does not give Sinclair the authority to impose a finance charge on overdue accounts, nor does it give Sinclair the right to terminate a purchaser as soon as his account becomes overdue. In *Mack C. Colt, Inc.*, Interpretation 1978-56, 43 FR 40209 (September 11, 1978), a similar case involving a supplier/purchaser relationship, the DOE determined that § 210.62(a) permits termination of sales to a purchaser only where justified as to that individual purchaser by a substantial alteration of customary credit or payment terms by the purchaser to the disadvantage of the supplier. As the *Colt* Interpretation indicated, termination is permitted in most cases only where prior approval is obtained from the DOE. Therefore, under § 210.62(a), Sinclair's remedy would be to seek DOE approval to terminate sales to an individual purchaser.

An additional remedy available to Sinclair is to apply, under 10 CFR Part 205, Subpart D, for exception from the application of § 210.62(a) as interpreted. In a case where hardship results to a supplier from the application of § 210.62(a), he may apply for exception relief. Thus, Sinclair simply cannot impose new credit terms on all its purchasers alike.

Based on the considerations discussed above, we have concluded that Sinclair's proposed change in contracts with jobbers and dealers for the sale of motor gasoline would impose a more stringent credit term than the credit terms in existence on May 15, 1973, in violation of § 210.62(a).

Issued in Washington, D.C. on March 5, 1979.

Everard A. Marseglia, Jr.,
Acting Assistant General Counsel for Interpretations and Rulings.

Issued in Washington, D.C.

Dated: April 13, 1979.

Everard A. Marseglia, Jr.,
Assistant General Counsel for Interpretations and Rulings.

10 CFR is amended to the Rulings by adding appearing at the end of Chapter II the following Ruling 1979-1 to read as follows:

Ruling 1979-1

Modification of Ruling 1977-5: Application of the Definition of "Transaction" to Variable-Price Contracts for Purposes of Computing Lawful Weighted Average May 15, 1973 Prices

I. Introduction

On March 15, 1977, the Federal Energy Administration, ("FEA") a predecessor agency of the Department of Energy ("DOE"), issued Ruling 1977-5, 42 FR 15302 (March 21, 1977), which interpreted the term "transaction" as it is used in the Mandatory Petroleum Price Regulations applicable to refiners (Subpart E), resellers and retailers (Subpart F), and natural gas processors (Subpart K). The Ruling addressed the application of the definition of transaction to sales of covered products made pursuant to written fixed-price contracts, written variable-price contracts, or no written contract.

The Office of General Counsel of the Department of Energy (DOE) has reexamined Ruling 1977-5 with respect to the treatment of written variable-price contracts under the DOE price regulations. It has determined that the portion of Ruling 1977-5 applying the definition of transaction to such contracts is erroneous. Accordingly, this Ruling rescinds the portion of Ruling 1977-5 which addresses the treatment of variable-price contracts and clarifies the proper treatment of variable-price contracts under the price regulations. This action does not affect any of the other conclusions reached in Ruling 1977-5, or any formal Interpretations issued by FEA or DOE that are consistent with those conclusions.

As more fully explained below, with respect to sales of covered products made pursuant to a written variable-price contract, DOE is of the view that a transaction must be deemed to have occurred for purposes of the price regulations on the date when a binding contract was entered into between the parties. The transaction price is the price lawfully charged pursuant to the terms of such contract in deliveries occurring on May 15, 1973 or on the most recent day preceding May 15, 1973. If no such deliveries occurred, the transaction price is the price that would have been

Appendix B—Cases Dismissed

File No.	Requestor	Category	Date dismissed
A-350	National Association of Texaco Wholesalers, Inc.	Price	March 27.
A-364	Red Triangle Oil Company	Price	March 29.
A-371	Main LaFrentz & Company	Conservation	March 1.
A-393	Texas City Refining, Inc.	Enforcement/ Procedural	March 23.
A-394	Magnolia Towing Company	Allocation	March 15.

[FR Doc. 79-12610 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

10 CFR Part 205

Application of "Transaction" Definition to Variable-Price Contracts

AGENCY: Department of Energy.

ACTION: Ruling.

SUMMARY: The appended Ruling is issued by the Department of Energy (DOE) Office of General Counsel pursuant to 10 CFR 205.150 to set forth DOE's determination as to certain issues that have arisen with respect to the

application of the term "transaction" (as defined in 10 CFR 212.31) to written variable-price contracts. A written comment of objection to the appended Ruling may be filed at any time with the DOE Office of General Counsel pursuant to the provisions of 10 CFR Part 205.153.

EFFECTIVE DATE: April 13, 1979.

FOR FURTHER INFORMATION CONTACT:

Alex P. Haig, Department of Energy, Office of General Counsel, 12th & Pennsylvania Avenue, NW., Room 1115, Washington, D.C. 20461, (202) 633-8965.

charged under the terms of the contract had a sale occurred on the day the contract was entered into. Sellers that have determined their prices to classes of purchaser in a manner consistent with this interpretation are considered to have complied with this aspect of the Mandatory Petroleum Price Regulations and should continue to determine lawful selling prices in that manner. However, for the period prior to the date on which this Ruling 1979-1 is issued, the DOE will not charge a firm with violations of the price regulations based on that firm's determinations of prices in accordance with the interpretation set forth in Ruling 1977-5.

II. Discussion of the Regulatory Language

A. Determining When a Transaction Occurred.

Under the Mandatory Petroleum Price Regulations, sellers of covered products (excluding first sales of crude oil, to which ceiling price rules may apply) may not charge a price in sales of covered products (as defined in 10 CFR 212.31) to a particular class of purchaser that exceeds the weighted average price at which the product was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, plus increased product costs and allowable non-product costs.

For example, for refiners, 10 CFR 212.82 and 212.83(a)(1) state:

"Maximum allowable price" means the weighted average price at which the covered product was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, computed in accordance with the provisions of § 212.83(a), plus increased product costs and increased non-product costs incurred between the month of measurement and the month of May 1973. * * *

A refiner may not charge to any class of purchaser a price for a covered product in excess of the maximum allowable price. * * *

Thus, in order to establish the maximum price that may lawfully be charged for a covered product, the seller must establish a weighted average price for each class of purchaser for transactions occurring on May 15, 1973. Where no transaction occurred on that day with respect to a particular class of purchaser, imputed price rules are used to determine a transaction price for that class of purchaser. For refiners, 10 CFR 212.83(a)(3) states:

"If no transaction occurred with respect to a particular product on May 15, 1973, the most recent day preceding

May 15, 1973 when a transaction occurred shall be used for purposes of computing the maximum allowable price. * * *

Therefore, the date on which a transaction occurred is significant under the price regulations because that date determines whether the price charged in that transaction will be used in computing the actual or imputed transaction price for the class of purchaser concerned. So long as a single transaction occurred with respect to a particular class of purchaser on May 15, 1973, transactions with that class which occurred prior to May 15, 1973 will not be included in the computation of the weighted average price for such class of purchaser. Where no transaction occurred on May 15, 1973, with respect to a particular class of purchaser, transactions that occurred with that class on the most recent day preceding May 15, 1973 will be used. Thus, in determining its maximum lawful selling prices, a seller must first look to its lawful prices in transactions on May 15, 1973, or, if no transaction occurred on that date, to the most recent day preceding May 15, 1973 when a transaction occurred.

The definition of transaction in 10 CFR 212.31 is as follows:

"Transaction" means an arm's-length sale between unrelated persons which are not members of a controlled group (as defined in 26 U.S.C. 1563(a)) and is considered to occur at the time and place when a binding contract is entered into between the parties." (Emphasis added.)

In Ruling 1977-5, FEA stated that written variable-price contracts did not become legally binding for purposes of the transaction definition until a delivery had been made pursuant to the contract. The FEA therefore concluded that no transaction occurred on or before May 15, 1973 under a variable-price contract unless there had been a delivery pursuant to the contract on or before May 15, 1973. We believe that this conclusion cannot be sustained in light of the express language of the transaction definition. We therefore conclude that the interpretation set forth in Ruling 1977-5 must be modified accordingly.

B. Determining a Price in Transactions Based Upon Written Variable-Price Contracts.

The definition in § 212.31 states, "Transaction" means an arm's-length sale. * * * In the case of transactions based upon written fixed-price contracts, a price certain is specified in the contract and is used in every sale

under the contract. Determining a transaction price pursuant to variable-price contracts entered into on or before May 15, 1973 poses an interpretative problem, however, because a variable-price contract does not contain any fixed price, but only a mechanism for establishing prices through time, and because sales made pursuant to a variable-price contract may be made at many different prices.

There are two key elements in the transaction definition which appears in § 212.31—an arm's-length sale and the existence of a binding contract between the parties pursuant to which the sale was made. The latter component of the definition is used for purposes of establishing the transaction date. The arm's-length sale requirement indicates that where possible, the transaction price is the price charged under a variable-price contract in actual sales occurring on May 15, 1973 or on the most recent day preceding May 15, 1973. This result is consistent with the rule as it applies to fixed-price contracts.

The transaction definition and the imputed price rules indicate that the sale occurring on May 15, 1973, or the most recent day preceding that date, must be used to determine the transaction price for a variable-price contract. Such a price would accurately reflect actual market conditions leading up to May 15, 1973 as anticipated by sellers and buyers in binding contracts, and would relate to the use of May 15, 1973 as a base for the entire price control system. Such sales also provide actual volumes to be used, where appropriate, for weight-averaging purposes.

If no sale occurred on or before May 15, 1973, DOE believes that the language of the regulations fixes the transaction price at the price that would have been charged had a sale been made on the day the contract was entered into. In order to determine a price when no contract with any member of the class of purchaser concerned was entered into on May 15, 1973, the imputed price rules provide that "the most recent day preceding May 15, 1973 when a transaction occurred," shall be used for purposes of computing the maximum allowable price and applying the price rules. Accordingly, under the language of the transaction definition, where there was no delivery, and thus no sale, on or before May 15, 1973 under the contract, the date when a binding contract was entered into is to be used to establish the transaction price. Thus, under a variable-price contract, such price should be determined as if a sale occurred on the day the contract was entered into.

III. Enforcement Considerations

The conclusions reached in this Ruling 1979-1 modify any contrary conclusions reached in Ruling 1977-5 and will apply to the computations of transaction prices for the period from August 19, 1973, forward. Price computations that were made before the issuance of this Ruling 1979-1 in accordance with the interpretation set forth in this Ruling are and shall continue to be in compliance with the requirements of the Mandatory Petroleum Price Regulations.

Prices that conform to the erroneous interpretation set forth in Ruling 1977-5, *i.e.*, where a variable-price contract was entered into on or before May 15, 1973, and where the transaction date and price were determined by the most recent delivery to May 15, 1973 pursuant to such contracts, will be considered as proper in limited circumstances. Principles of equity and administrative fairness (as well as procedural constraints on the imposition of sanctions or penalties for actions that comport with a formal Ruling that is subsequently modified by DOE) dictate that such computations be considered as proper under the Mandatory Petroleum Price Regulations for the period prior to the date this Ruling 1979-1 is issued. Accordingly, we have concluded in consultation with the appropriate DOE enforcement officials that for the period prior to the issuance of this Ruling 1979-1, prices in transactions based on variable-price contracts entered into on or before May 15, 1973 and determined in accordance with the interpretation in Ruling 1977-5 will also not be subject to enforcement action. As of the date this Ruling 1979-1 is issued, however, sellers must determine their transaction prices based on variable-price contracts entered into on or before May 15, 1973 according to the interpretation in this Ruling 1979-1.

Issued in Washington, D.C., April 13, 1979.

Lynn R. Coleman,

General Counsel.

[FR Doc. 79-12370 Filed 4-19-79; 11:52 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

10 CFR Part 213

Oil Import Regulations; Amendments To Conform Oil Import Regulations to Proclamation No. 4655

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is issuing this final rule

to implement the terms of Presidential Proclamation 4655, which further amended Proclamation 3279. Proclamation 3279, as amended, provides for the long-term control of imports of petroleum and petroleum products through a system of licenses subject to fees.

On April 6, 1979, the President amended the Proclamation, effective April 1, 1979, in order to temporarily suspend both license fees and tariffs. The President's action was prompted by the continuing instability and shortages in international oil markets resulting from the reduction in Iranian oil exports. Under these market conditions, fees and tariffs serve no useful purpose and they were therefore suspended. Fees and tariffs will automatically be reimposed on July 1, 1979 unless the Secretary of Energy exercises the authority delegated to him to defer re-imposition of the fees and tariffs for a maximum of two six month periods.

Because the terms of the Proclamation are already in effect, these regulations are effective immediately in order to avoid the confusion which would result if DOE's superseded regulations were not also amended. A hearing will be held, and public comments received, after the effective date of these regulations in order to provide opportunity for public comment.

DATES: This final rule is effective upon issuance. A hearing on this rule will be held on May 22, 1979, in Washington, D.C., as more fully described in section IV below. Requests to speak at that hearing must be received by May 10, 1979. Written comments on the rule may be submitted until May 22, 1979.

ADDRESSES: Comments and requests to speak should be addressed to: Department of Energy, Public Hearing Management, Room 2313 (Docket No. ERA-R-79-20), 2000 M Street, N.W., Washington, D.C. 20461.

The hearing will be held at the following location: Department of Energy, Room 2105, 2000 M Street, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Robert D. R. de Sugny, Department of Energy, Office of General Counsel, Room 5116, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 633-9380.

Robert R. Moore, Department of Energy, Economic Regulatory Administration, Office of Oil Imports, Room 6114, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-8620.

William L. Webb, Department of Energy, Economic Regulatory Administration, Office of Public Information, Room B-

110, 2000 M Street, N.W., Washington, D.C. 20461, (202) 634-2170.

Robert C. Gillette, Department of Energy, Economic Regulatory Administration, Office of Public Hearing Management, Room 2313, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-5201.

SUPPLEMENTARY INFORMATION:

I. Background.

II. Amendments to the Regulations.

III. Waivers of Rulemaking Requirements.

IV. Comment Procedure.

I. Background

Proclamation 3279, as amended, provides for the long-term control of imports of petroleum and petroleum products. Since 1973 the Proclamation has discouraged such imports by a system of licenses subject to the payment of fees. In light of the current international shortages of petroleum and petroleum product supplies engendered by the reduction in Iranian oil exports, continued imposition of the fees would be burdensome to consumers and detrimental to the domestic economy. In view of these circumstances the President on April 6, 1979, temporarily suspended imposition of both tariffs and license fees effective April 1, 1979. On July 1, 1979, fees and tariffs will be automatically re-imposed unless the Secretary exercises the authority delegated to him by Proclamation 4655 to continue the suspension. The Secretary may defer the re-imposition of fees for a maximum of two six month periods upon a finding that re-imposition of the fees and tariffs would not be in accordance with the purposes of Proclamation 3279, as amended. The Secretary may make such a finding with respect to "any type of crude oil, unfinished oil, or finished product."

It should be noted that although fees and tariffs have been temporarily suspended, a license is still required before anyone may enter crude oil, unfinished oils, or petroleum products into the United States. Licenses which have been issued prior to this amendment, regardless of whether or not they were of a type subject to the payment of a fee, may continue to be used according to their terms. Entries made pursuant to a prepaid license during any period that the \$0.00 fee is in effect for the entry are not subject to the payment of fees. Persons holding such licenses may apply for a refund, under § 213.35(d)(2)(ii) of the regulations, as additional entries are made against the license, or the person may apply for a refund for all amounts prepaid in excess of any obligations incurred prior to April

1, 1979, if the person wishes to cancel the license and apply for a new one.

Licenses for imports subject to the \$0.00 fee shall be issued in amounts not to exceed 50 million barrels. A person may receive more than one license for each type of entry upon a showing of a demonstrated need to the Director. All such licenses shall expire on July 1, 1979, unless the Secretary makes a finding that the re-imposition of fees and tariffs is not in accordance with the purposes of the Proclamation. If such a finding is made, the Secretary's determination will be published in the Federal Register and licenses issued for the type of product encompassed by the finding shall continue to be valid for an additional six month period. At the present time the Department intends to announce the Secretary's determination on or about June 15, 1979. However, considering that this determination will be dependent to a large degree on conditions which exist in international oil markets at that time, it is quite possible that future developments may delay the announcement until the last moment. In the event that no determination has been published by June 15, 1979, importers should proceed on the assumption that the tariffs and fees will be re-imposed and apply for pre-paid or bonded \$0.21 or \$0.63 fee licenses, as appropriate, so that the Office of Oil Imports may process the applications and be prepared to issue the licenses prior to July 1, 1979.

II. Amendments to the Regulations

Although the amendments to the Oil Import Regulations (10 CFR Part 213) adopted today are numerous, they effect only two basic changes in the administration of the Mandatory Oil Import Program.

The first basic change is to provide for the suspension of the issuance of allocations of licenses not subject to the payment of fees (i.e., fee-exempt licenses, as opposed to licenses subject to the \$0.00 fee) during any period the \$0.00 fee is in effect for the type of petroleum encompassed by the allocation. Each affected allocation section has been amended to reflect this change and to provide for the calculation of an individual's allocation based on the number of days which remain in any allocation period which follows the re-imposition of fees with respect to that allocation. Allocations issued pursuant to section 213.28(b) and (c) are an exception to this change. Those allocations will be issued, and must be used, for certain types of imports of crude oil produced in Canada.

The second basic change effected by these amendments is to provide, in § 213.35 and in a new § 213.39, for the issuance of licenses subject to a \$0.00 fee. Such licenses will only be valid until until July 1, 1979, unless the Secretary defers re-imposition of the fees in which case the zero-fee licenses may continue to be used until a \$0.21 or \$0.63 license fee is once again applicable to the type of petroleum for which the license was issued.

III. Waivers of Comment Periods

Pursuant to section 501(e) of the Department of Energy Organization Act, we have determined that compliance with the requirements of section 501(b), which requires a 30-day public comment period prior to promulgation of a regulation, would be likely to cause serious harm or injury to the public health, safety, and welfare. This decision was based on the following factors:

(1) Presidential Proclamation 4655 has superseded our regulations in several important respects. A delay of 30 days before the implementation of conforming regulations would leave the public without guidance as to the manner in which the amendments contained in the Proclamation would be administered and consequently lead to confusion which would delay the import of necessary petroleum and petroleum products.

(2) The current unsettled nature of the international oil market makes it imperative to avoid any confusion or delay in such imports.

(3) The discretion being exercised in this rulemaking is minimal.

Accordingly, we hereby waive the requirements of section 501(b).

The public comment period required for proposed rulemakings pursuant to Executive Order 12044, entitled "Improving Government Regulations" (43 FR 12661 (March 23, 1978)) and DOE's implementing regulations, has been waived for the same reasons by the Deputy Secretary (see Appendix to this rule).

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are soliciting public comments and will hold a public hearing as outlined below. Based on the comments received, we will determine whether further revisions to the conforming amendments adopted today are needed.

IV. Public Hearing and Comment Procedures

A. Written Comments

You are invited to participate in this rulemaking by submitting written views, data or arguments with respect to the regulations set forth in this notice. Comments should be submitted to the address indicated in the "Addresses" section of this notice and should be identified on the outside envelope with the designation "Oil Import Regulations" and the ERA docket number in the title of this notice. Fifteen copies should be submitted. All comments received by DOE will be available for public inspection in the DOE Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday.

Any information considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of the information and to treat it according to our determination.

B. Public Hearing

1. *Procedure for Requesting to Make Oral Presentation.* The time and place for the hearing are indicated in the "Dates" and "Addresses" sections of this notice. If necessary to present all testimony, the hearing will be continued at 9:30 a.m. of the first business day following the date of the hearing shown above.

Any person may make a written request for an opportunity to make an oral presentation and the hearing. You should be prepared to describe the interest concerned; if appropriate, to state why you are a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation. You should also provide us with a phone number where you may be contacted through the day before the hearing.

Each person selected to be heard will be so notified before 4:30 p.m., e.d.t., May 14, 1979, and must submit 75 copies of his or her statement to Public Hearing Management, Room 2214, 2000 M Street, N.W., Washington, D.C., before 4:30 p.m., e.d.t., on May 21, 1979.

2. *Conduct of the Hearing.* We reserve the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based

on the number of persons requesting to be heard.

An ERA official will be designated to preside at the hearing. This will not be judicial type hearings; only those conducting the hearing may ask questions and persons presenting statements will not be cross-examined. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if that person so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

You may submit questions to be asked of any person making a statement at the hearing to the Office of Public Hearing Management at the above address before 4:30 p.m., e.d.t., May 17, 1979. You may also submit any questions, in writing, to the presiding officer of the hearing at the time of the hearing. The ERA, or the presiding officer if the question is submitted at the hearing, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the ERA and made available for inspection at the DOE Freedom of Information Office, Room GA-152, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday. Any person may purchase a copy of a transcript from the reporter.

As required by section 7(a)(1) of the Federal Energy Administration Act of 1974, as amended, a copy of this notice was submitted to the Administrator of the Environmental Protection Agency (EPA) for his comments concerning the impact of this proposal on the quality of the environment. The EPA responded as follows on April 17, 1979:

"We do not foresee these actions as having an unfavorable impact on the quality of the environment as related to the duties and responsibilities of the Environmental Protection Agency and we have no comments to offer."

A copy of this notice was also submitted to the Federal Energy Regulatory Commission in accordance with section 404(a) of the Department of Energy Organization Act. The Commission did not determine that this

notice significantly affected any function within the jurisdiction of the Commission.

(Department of Energy Organization Act, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267; Trade Expansion Act of 1962, as amended, Pub. L. 87-794; Presidential Proclamation No. 3279, as amended.)

In consideration of the foregoing, Part 213 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective upon issuance.

Issued in Washington, D.C., April 19, 1979.
Hazel R. Rollins,
Deputy Administrator, Economic Regulatory Administration.

1. Section 213.3 is revised to read as follows:

§ 213.3 Allocation periods.

(a) Except as provided in § 213.10, and § 213.28, allocations will be made for the period beginning July 1, 1979 through April 30, 1980 unless the Secretary makes the finding provided for in paragraph (c) of this section with respect to all types of petroleum encompassed by an allocation in which case the allocation period for such an allocation shall be as set forth in paragraph (c).

(b) Allocation periods for allocations made pursuant to § 213.10, and § 213.28, shall be as provided for in those sections.

(c) In the event the Secretary makes a finding which defers re-imposition of the fee with respect to all types of petroleum encompassed by an allocation, the allocation period for such an allocation shall commence on January 1, 1980 and extend through April 30, 1980, unless the Secretary makes a second such finding in which case no such allocations shall be issued.

§ 213.5 [Amended]

2. Section 213.5 is amended in paragraph (a) by deleting the term "May 1, 1979 through April 30, 1980" and by substituting therefor "July 1, 1979, or such other beginning date as the Secretary may prescribe in accordance with the provisions of § 213.39 through April 30, 1980."

§ 213.9 [Amended]

3. Section 213.9 is amended in paragraphs (a) and (b) by deleting the term "May 1, 1979 through April 30, 1980" and by substituting therefor "July 1, 1979, or such other beginning date as the Secretary may prescribe in accordance with the provisions of section 213.39 through April 30, 1980;"

§ 213.12 [Amended]

4. Section 213.12 is amended in paragraph (a) by deleting the term "May

1, 1979 through April 30, 1980" and by substituting therefor "July 1, 1979, or such other beginning date as the Secretary may prescribe in accordance with the provisions of § 213.39 through April 30, 1980"; and in paragraph (b) by deleting the term "366" and by substituting therefor "305 or such number of days remaining in the allocation period as determined in § 213.39".

§ 213.13 [Amended]

5. Section 213.13 is amended in paragraph (a) by deleting the term "May 1, 1979 through April 30, 1980" and by substituting therefor "July 1, 1979 or such other beginning date as the Secretary may prescribe in accordance with the provisions of § 213.39 through April 30, 1980"; and in paragraph (b) by deleting the term "366" and by substituting therefor "305 or such number of days remaining in the allocation period as determined in § 213.39" respectively.

6. Section 213.15 is amended in paragraph (g) to read as follows:

§ 213.15 Allocations of residual fuel oil—District I.

(g)(1) For the allocation period beginning July 1, 1979, or such other beginning date as the Secretary may prescribe in accordance with the provisions of section 213.39, through April 30, 1980, persons seeking an import allocation pursuant to this section must file an application with the Director by June 1, 1979. Each eligible applicant under this paragraph shall receive an allocation for the period in accordance with the following formula: [Applicant's actual imports of residual fuel oil into District I to be used as fuel in District I for the period from November 1, 1978, through April 30, 1979: Total of all applicants' imports of residual fuel oil into District I to be used as fuel in District I for the period from November 1, 1978, through April 30, 1979] × [580,000 bbl/d] × [305 Days or such other number of days remaining in the allocation period as determined in section 213.39]

(2) For the purposes of this paragraph "applicant's actual imports" means entries made against that applicant's licenses (issued pursuant to § 213.15 or § 213.35) for imports into District I of residual fuel oil to be used as fuel in District I.

§ 213.16 [Amended]

7. Section 213.16 is amended in paragraph (a) by deleting the term "May

1, 1979 through April 30, 1980" and by substituting therefor "July 1, 1979, or such other beginning date as the Secretary may prescribe in accordance with the provisions of section 213.39 through April 30, 1980"; and by deleting the terms "4,000" and "1,500" and by substituting therefor "4000 \times 305 days or such other number of days remaining in the allocation period as determined in section 213.39" and "1,500 \times 305 days or such other number of days remaining in the allocation period as determined in section 213.39" respectively.

§ 213.20 [Amended]

8. Section 213.20 is amended in paragraph (a)(2) by deleting the term "May 1, 1979 through April 30, 1980" and by substituting therefor "July 1, 1979, or such other beginning date as the Secretary may prescribe in accordance with the provisions of § 213.39 through April 30, 1980"; and by deleting the term "45,444 bbl/d" and by substituting therefor "45,444 bbl/d \times 305 days or such other number of days remaining in the allocation period as determined in § 213.39".

9. Section 213.21 is amended in paragraphs (a)(2) and (b)(2) by deleting the term "May 1, 1979 through April 30, 1980" and by substituting therefor "July 1, 1979, or such other beginning date as the Secretary may prescribe in accordance with the provisions of § 213.39 through April 30, 1980"; in paragraph (a)(2) by deleting the term "287 bbl/d" and by substituting therefor "287 bbl/d \times 305 days or such other number of days remaining in the allocation period as determined in § 213.39"; and in paragraph (b)(2) by deleting the term "330 bbl/d" and by substituting therefor "330 bbl/d \times 305 days or such other number of days remaining in the allocation period as determined in section 213.39".

§ 213.32 [Amended]

10. Section 213.32 is amended in paragraph (d) by deleting the term "May 1, 1979 through April 30, 1980" and by substituting therefor "July 1, 1979, or such other beginning date as the Secretary may prescribe in accordance with the provisions of § 213.39 through April 30, 1980"; and by deleting the term "15,120 bbl/d" and by substituting therefor "15,120 bbl/d \times 350 days or such other number of days remaining in the allocation period as determined in § 213.39".

§ 213.33 [Amended]

11. Section 213.33 is amended in paragraph (c) by deleting the term "May 1, 1979 through April 30, 1980" and by

substituting therefor "July 1, 1979, or such other beginning date as the Secretary may prescribe in accordance with the provisions of section 213.39 through April 30, 1980"; by deleting the term "per year" and by substituting therefor " \times 305 days or such other number of days remaining in the allocation period as determined in § 213.39"; in paragraph (d)(1) by deleting the term ".20" and by substituting therefor ".20 \times 305 days or such other number of days remaining in the allocation period as determined in § 213.39"; in paragraph (d)(2) by deleting the term "May 1, 1979" and by substituting therefor "July 1, 1979".

§ 213.34 [Amended]

12. Section 213.34 is amended in paragraphs (b) and (e) by deleting the term "May 1, 1979 through April 30, 1980" and by substituting therefor "July 1, 1979, or such other beginning date as the Secretary may prescribe in accordance with the provisions of § 213.39 through April 30, 1980"; and by deleting the term "10,000 bbl/d" and by substituting therefor "10,000 bbl/d \times 305 days or such other number of days remaining in the allocation period as determined in § 213.39".

13. Section 213.35 is amended in paragraphs (a)(4), (a)(6), and (c)(1) to read as follows:

§ 213.35 Allocations and fee-paid licenses for imports of crude oil, unfinished oils, and finished products.

(a) * * *

(4)(i) Applications for allocations and licenses under this section for any type of crude oil, unfinished oil, or finished product subject to a fee other than \$0.00 shall be accompanied by the applicant's certified check or a cashier's check payable to the order of the Treasurer of the United States in the amount chargeable pursuant to paragraph (c), or by a bond with a surety on the list of acceptable sureties on Federal bonds, maintained by the Bureau of Government Financial Operations, Department of the Treasury, in a sum not less than the amount chargeable pursuant to paragraph (c), conditioned upon payment of such amount to the Treasurer of the United States by the date specified in paragraph (c). In the event that such bond is terminated or the face value of the bond is reduced below the outstanding liability of licenses issued pursuant to the bond, all licenses issued pursuant to the bond shall be revoked as provided in Subpart T of Part 205 of this chapter. Except as to a department, establishment or agency of the United States,

applications for licenses subject to a fee other than \$0.00 not accompanied by a certified check, cashier's check, or bond in the amount required shall not be considered. Payment of fees by or for the account of a department, establishment, or agency of the United States shall be accompanied by transfers, as appropriate, from appropriation accounts available to such department establishment, or agency, to the suspense account established by DOE for that purpose.

(ii) Any bond against which a license was issued on or before April 16, 1979, may be reduced or terminated upon certification by the licensee to the Director that all fee liability imposed pursuant to Proclamation 3279, as amended and these regulations with respect to imports made on or before March 31, 1979 has been satisfied and the Director has verified the payment of fees. Such certification shall be subject to the provisions of 18 U.S.C. § 1001. Verification by the Director shall not bar later audit or enforcement actions in connection with the payments verified.

(6) Licenses issued for imports of crude oil, unfinished oils, or finished products under this section which are subject to a fee other than \$0.00 shall be valid for one (1) year following the date of their issuance. Licenses issued for imports of any type of crude oil, unfinished oil or finished product which are subject to a \$0.00 fee shall be valid for such period as the \$0.00 fee is in effect with respect to that type of crude oil, unfinished oil or finished product. A license shall be considered to be issued for purposes of this Part on the date the license is signed by the Director.

(c)(1) Licenses issued for entries of crude oil, unfinished oils, or finished products pursuant to section 3(a)(1)(i)-(ii) of Proclamation No. 3279, as amended, shall be subject to fees in accordance with the following schedule:

(i) For the period April 1, 1979 through June 30, 1979 such fees shall be as follows:

	Fee, \$/Barrel
Crude oil	0.00
Natural Gas Products	0.00
All other finished products and unfinished oils including crude oil to be burned directly as fuel	0.00

(ii) Effective July 1, 1979, such fees shall be as follows except with respect to any type of petroleum for which the Secretary finds that re-imposition of the fees would not be in accordance with the purposes of Proclamation 3279, as amended, in which case fees with

respect to that product shall remain at the \$0.00 as provided for in § 213.39:

	Fee, \$/Barrel
Crude oil.....	0.21
Natural Gas Products.....	0.21
All other finished products and unfinished oils including crude oil to be burned directly as fuel (except ethane, propane, butanes, and asphalt) ..	0.63
* * * * *	

§ 213.37 [Amended]

14. Section 213.37 is amended in paragraphs (a) and (c) by deleting the term "May 1, 1979 through April 30, 1980" and by substituting therefor "July 1, 1979, or such other beginning date as the Secretary may prescribe in accordance with the provisions of section 213.39 through April 30, 1980"; and in paragraph (a) by deleting the term "6,500 average barrels daily" and by substituting therefor "6,500 average barrels daily × 305 days or such other number of days as determined in § 213.39".

15. Part 213 is amended by the addition of a new section § 213.39 to read as follows:

§ 213.39 Deferral of fees.

Upon a finding made by the Secretary with respect to any type of crude oil, unfinished oil, or finished product that re-imposition of the fee and tariff would not be in accordance with the purposes of Proclamation 3279, as amended, the \$0.00 fee and suspension of the tariff shall remain in effect with respect to that type of crude oil, unfinished oil, or finished product until January 1, 1980 at which time tariffs, and the fees prescribed in section 213.35(c)(1)(ii) of these regulations, shall be re-imposed except upon a similar finding. In the event of a similar finding, the \$0.00 fee and suspension of the tariff shall remain in effect with respect to that type of crude oil, unfinished oil, or finished product until July 1, 1980.

An allocation not subject to license fee authorized by §§ 213.9, 213.10, 213.11, 213.12, 213.13, 213.15, 213.16, 213.19, 213.20, 213.21, 213.28(a), 213.29, 213.30, 213.32, 213.34, or 213.37 of these regulations shall not be issued for any period in which a \$0.00 fee is in effect with respect to all types of petroleum encompassed by the allocation. Such an allocation, reduced to reflect the number of days remaining in the allocation period, will be issued at such time as a fee other than \$0.00 is re-imposed with respect to any type of petroleum encompassed by the allocation.

Appendix—Waiver of the Provisions of Executive Order No. 12044 on "Improving Government Regulations" and the Department of Energy's Implementing Regulations

Pursuant to the authority vested in me by the Department of Energy Organization Act (Pub. L. 95-91) and the Department's regulations which implement the terms of Executive Order No. 12044 on "Improving Government Regulations" I hereby waive all of the rulemaking procedures contained in the Executive Order and implementing regulations with respect to a rule which conforms the Oil Import Regulations contained in 10 CFR Part 213 to the terms of Proclamation No. 4655 and which implements the terms of that Proclamation. I base this waiver on the following factors:

(1) Presidential Proclamation No. 4655 has superseded DOE's regulations in several important respects. Further delay in implementing conforming regulations would leave the public without guidance as to the manner in which the amendments contained in the Proclamation would be administered and consequently lead to confusion which would delay the import of necessary petroleum and petroleum products;

(2) The current unsettled nature of international oil markets makes it imperative to avoid any confusion or delay in such imports;

(3) Because the rule merely implements the terms of Proclamation 4629, the discretion being exercised in this rulemaking is minimal.

Issued in Washington, D.C., April 18, 1979.

John F. O'Leary,
Deputy Secretary, Department of Energy.

[Docket No. ERA-R-79-20]
[FR Doc. 79-12770 Filed 4-23-79; 8:45 am]
BILLING CODE 6450-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 175

Indirect Food additives: Adhesive Coatings and Components; 1,2-DIBROMO-2,4-DICYANOBUTANE

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: This document amends the food additive regulations to provide for the use of 1,2-dibromo-2,4-dicyanobutane as a preservative for adhesives that may be safely used as a component of articles intended for use in packaging, transporting, or holding food. Calgon Corp. filed a petition requesting such use.

DATES: Effective April 24, 1979, objections by May 24, 1979.

ADDRESS: Written objections to the Hearing Clerk (HFA-305), Food and

Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In the Federal Register of January 2, 1979 (44 FR 69), the Food and Drug Administration (FDA) announced that a food additive petition (FAP 8B3374) had been filed by Calgon Corp., Pittsburgh, PA 15230, proposing that § 175.105 *Adhesives* (21 CFR 175.105) be amended to provide for the use of 1,2-dibromo-2,4-dicyanobutane as a preservative for adhesives that may be safely used as a component of articles intended for use in packaging, transporting, or holding food.

FDA has evaluated data in the petition and other relevant material and concludes that § 175.105 should be amended as set forth in this document.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 175 is amended in § 175.105 by alphabetically inserting a new item in the list of substances in paragraph (c)(5) to read as follows:

§ 175.105 Adhesives.

* * * * *
(c) * * *
(5) * * *

Substances	Limitations
* * * * *	
1,2-Dibromo-2,4-dicyanobutane (CAS Registry No. 35691-65-7).	For use as preservative only.
* * * * *	

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 24, 1979 submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each

numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective April 24, 1979.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: April 17, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78F-0332]

[FR Doc. 79-12392 Filed 4-23-79; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for
Housing—Federal Housing
Commissioner

24 CFR Part 888

Fair Market Rents for New Construction and Substantial Rehabilitation

AGENCY: Office of Assistant Secretary
for Housing—Federal Housing
Commissioner—Department of Housing
and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: This final rule revises Fair Market Rents (FMRs) for the Fort Worth, Abilene, San Angelo, and Wichita Falls, Texas market areas. As required by statute, the Secretary is revising, based on recent data, the Fair Market Rents for section 8 low and moderate income housing.

EFFECTIVE DATE: May 24, 1979.

FOR FURTHER INFORMATION CONTACT:
Edward M. Winiarski, Supervisory
Appraiser, Valuation Branch, Technical
Support Division, Office of Multifamily

Housing Development, 451 7th Street,
SW., Washington, D.C. 20410 (202) 755-
9320. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Notice was given on December 28, 1978, at 43 FR 60587 that HUD was proposing to amend Title 24 of the Code of Federal Regulations by incorporating in Part 888, Subpart A, a revised Schedule A, "Fair Market Rents for New Construction and Substantial Rehabilitation (including Housing Finance and Development Agencies Program) for the above Texas market areas." HUD has received no comments in response to the December 28, 1978 publication; therefore, the Fair Market Rents as proposed are adopted without change.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Accordingly, Schedule A of Part 888 is amended as set forth below.

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., on April 16, 1979.

Lawrence B. Simons,

*Assistant Secretary for Housing—Federal Housing Com-
missioner.*

Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation (Including Housing Finance and Development Agencies Program)

These Fair Market Rents have been trended ahead two years to allow time for processing and construction of proposed new construction and substantial rehabilitation rental projects.

Note.—The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size units, not to exceed 2-Bedroom, multiplied by 1.05 rounded to the next higher whole dollar, (2) congregate housing dwelling units are the same as for non-congregate units, and (3) single room occupancy dwelling units are those for 0-Bedroom units of the same type.

BILLING CODE 4210-01-M

AREA.

OFFICE DALLAS, TEXAS

REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
FORT WORTH	DETACHED			377	490	537
	SEMI-DETACHED/ROW		260	328	386	451
	WALKUP	194	238	305	360	419
	ELEVATOR-2-4 Sty	214	268	338		
	5 + Sty	300	360	478		
ABILENE	DETACHED			377	490	537
	SEMI-DETACHED/ROW		260	328	386	451
	WALKUP	194	227	305	360	419
	ELEVATOR-2-4 Sty	214	268	338		
	5 + Sty	300	360	478		
SAN ANGELO	DETACHED			348	453	497
	SEMI-DETACHED/ROW		241	303	357	417
	WALKUP	179	219	282	333	388
	ELEVATOR-2-4 Sty	197	248	312		
	5 + Sty	277	333	442		
WICHITA FALLS	DETACHED			348	453	497
	SEMI-DETACHED/ROW		241	303	357	417
	WALKUP	179	221	282	333	388
	ELEVATOR-2-4 Sty	197	248	312		
	5 + Sty	277	333	442		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

[Docket No. R-79-590]

[FR Doc. 79-12494 Filed 4-23-79; 8:45 am]

BILLING CODE 4210-01-C

Federal Insurance Administration**24 CFR Part 1920****National Flood Insurance Program;
Letter of Map Amendment for the
County of Dade, Florida****AGENCY:** Federal Insurance
Administration, HUD.**ACTION:** Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (F.I.A.) published maps identifying Special Flood Hazard Areas. This list included the County of Dade, Florida. It has been determined by F.I.A., after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the County of Dade, Florida that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 24, 1979.**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance of construction acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

The map amendments listed below are in accordance with S 1920.7(b):

Map Number H & I 125098C, Panel 09, published on June 29, 1977, in 42 FR 33208, indicates that North District Wastewater Treatment Plant at Interama, Dade County, Florida, as

recorded in the Warranty Deed, Official Recording Book Number 8454, Pages 1525-1526, in the Office of the Clerk of the Circuit Court of Dade County, Florida, is within the Special Flood Hazard Area.

Map Number H & I 125098C, Panel 09, is hereby corrected to reflect that the Administration Building, Effluent Pumping station, Electrical Substation, On-site Chlorination and Potable Pumping Facility, Oxygen Facility Building, Pre-treatment and Sludge Transfer Building, Primary Sludge Pumping Stations, Return Sludge Pumping stations, and the Service Building are not within the Special Flood Hazard Area identified on March 18, 1977. These structures are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978 Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: March 30, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI-3012]

[FR Doc. 79-12622 Filed 4-23-79; 9:45 am]

BILLING CODE 4210-01-M

24 CFR Part 1920**National Flood Insurance Program;
Letter of Map Amendment for the
County of Dade, Florida****AGENCY:** Flood Insurance
Administration, HUD.**ACTION:** Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (F.I.A.) published maps identifying Special Flood Hazard Areas. This list included the County of Dade, Florida. It has been determined by F.I.A., after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the County of Dade, Florida that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a

condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 24, 1979.**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance of construction acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map Number H & I 125098C, Panel 23, published on June 29, 1977, in 42 FR 33208, indicates that the Central District Wastewater Treatment Plant at Virginia Key, Dade County, Florida, as recorded in the Warranty Deed, Official Recording Book Number 9001, Pages 1437-1440, in the Office of the Clerk of the Circuit Court of Dade County, Florida, is within the Special Flood Hazard Area.

Map Number H & I 125098C, Panel 23, is hereby corrected to reflect that the Administration Building, Chlorination Building, Chlorination and Control Building, Compressor Building, Effluent Pumping Station, Electrical Substations, Electrical Switchgear Building, Maintenance Building, Oxygen Generation Plant, Sludge Dewatering Buildings, and the Sludge Dryer Building are not within the Special Flood Hazard Area identified on March 18, 1977. These structures are in Zones B and C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557 92 Stat. 2030, this rule has been granted waiver of Congressional review

requirements in order to permit it to take effect on the date indicated.

Issued: March 30, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-3012]

[FR Doc. 79-12623 Filed 4-23-79; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 1920

National Flood Insurance Program; Letter of Map Amendment for the City of Overland Park, Kansas

AGENCY: Federal Insurance
Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the City of Overland Park, Kansas. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Overland Park, Kansas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 24, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program

(NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 1920.7 (b):

Map No. H200174 Panel 0002A published on February 13, 1978, in 43 FR 6071, indicates that The Tulleries, Overland Park, Kansas, as recorded in Book 45, Page 25, in the Office of the Recorder, Johnson County, Kansas, is partially within the Special Flood Hazard Area.

Map No. H200174 Panel 0002A is hereby corrected to reflect that Structure F is not within the Special Flood Hazard Area identified on September 30, 1977. Structures A through E and G through Q of the above mentioned property are not within, as shown. Structures A through Q are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: March 30, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-3875]

[FR Doc. 79-12624 Filed 4-23-79; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 1920

National Flood Insurance Program; Letter of Map Amendment for the City of Sikeston, Missouri

AGENCY: Federal Insurance
Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the City of Sikeston, Missouri. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Sikeston, Missouri, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood

insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 24, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H & I 295270B Panel 04, published on June 29, 1977 in 42 FR 33218, indicates that Lots 1, 2, and 12 through 17, Block 5 and Lots 1 and 2, Block 6, Cole's Subdivision, Sikeston, Missouri, as recorded in Book 14, Page 1, in the Office of the Recorder, Scott County, Missouri, are within the Special Flood Hazard Area. Map No. H & I 295270B Panel 04 is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on April 29, 1977. These lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (see FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: March 30, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator

[Docket No. FI-3012]

[FR Doc. 79-12625 Filed 4-23-79; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 1920

National Flood Insurance Program; Letter of Map Amendment for the City of Tulsa, Oklahoma

AGENCY: Federal Insurance
Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the City of Tulsa, Oklahoma. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Tulsa, Oklahoma, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 24, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance (202) 755-5581 or toll free line (800) 424-8872, Room 5270, 451 Seventh Street, S.W., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 1920.7(b): Map No. H & I 405381C Panel 142, published on June 29, 1977 in 42 FR 33220, indicates that Lots 5 & 6, Block 17, Quail Creek Addition also known as 7204 East 76th Street, Tulsa, Oklahoma, as recorded in Book 4186, Page 122, in the Office of the Clerk, Tulsa County, Oklahoma, is partially within the Special Flood Hazard Area.

Map No. H & I 405381C Panel 142 is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on July 30, 1976. The property is in Zone C.

(National Flood Insurance Act of 1968 [Title XIII of Housing and Urban Development Act of 1968], effective January 28, 1969 [33 FR 17804, November 28, 1968], as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: March 30, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-3012]

[FR Doc. 79-12626 Filed 4-23-79; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 1920

National Flood Insurance Program; Letter of Map Amendment for the City of Arlington, Tex.

AGENCY: Federal Insurance
Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying the Special Flood Hazard Areas. This list included the City of Arlington, Texas. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Arlington, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for the property as a condition of Federal or federally-related financial

assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 24, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-5581 or Toll Free Line (800) 424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 485454A Panel 18, published on June 29, 1977 in 42 FR 33233, indicates that Tract C, Briar Meadows Addition, Third Installment, Arlington, Texas, as recorded in Volume 388-70, Page 8, in the Office of the Clerk, Tarrant County, Texas, is partially within the Special Flood Hazard Area.

Map No. H&I 485454A Panel 18 is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on March 5, 1976. This property is in Zone C.

(National Flood Insurance Act of 1968 [Title XIII of Housing and Urban Development Act of 1968], effective January 28, 1969 [33 FR 17804, November 28, 1968], as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: March 30, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-3012]

[FR Doc. 79-12627 Filed 4-23-79; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 1920

**National Flood Insurance Program;
Letter of Map Amendment for the City
of Universal City, Tex.****AGENCY:** Federal Insurance
Administration, HUD.**ACTION:** Final Rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the City of Universal City, Texas. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Universal City, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 24, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-5581 or Toll Free Line (800) 424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H & I 480049B Panel 01, published on February 13, 1978 in 43 FR 6075, indicates that Lots 1, 2 and 6 through 20, Block 1, Rose Garden Subdivision, Unit 7, Universal City,

Texas, as recorded in Volume 4500, Page 256, in the Office of the Clerk, Bexar County, Texas, are located within the Special Flood Hazard Area.

Map No. H & I 480049B Panel 01 is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on May 16, 1977. This property is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued March 30, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-3875]

[FR Doc. 79-12628 Filed 4-23-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF LABOR**Wage and Hour Division****29 CFR Part 575**

**Waiver of Child Labor Provisions for
Agricultural Employment of 10- and 11-
Year-Old Minors in Hand Harvesting of
Short Season Crops; Provisions
Governing Application for and
Granting of a Waiver; Restrictions on
Use of Pesticides and Other Chemicals**

AGENCY: Wage and Hour Division,
Labor.**ACTION:** Final rules.

SUMMARY: Current regulations provide for the issuance of waivers permitting the employment of 10- and 11-year-old minors in the hand harvesting of short season crops upon the representation by the employer applying for a waiver, that, among other specified conditions, the minimum preharvest intervals for the use of certain pesticides and other chemicals listed therein for use on certain crops have been followed. The Secretary of Labor has undertaken a continuing study of the effect of the level and type of pesticides and other chemicals used on the health and well-being of 10- and 11-year-old minors to whom a waiver would apply. This document reflects current findings in this study which require the revision of the lists of pesticides and chemicals for

use with respect to strawberries in § 575.5(d)(2) and to potatoes in § 575.5(d)(3). It also adds certain pesticides and chemicals to the list of those under review, use of which would require supporting data to establish minimum entry times. This document deletes the terms "safe reentry time" and "preharvest interval," used interchangeably in the regulations, and substitutes therefor the term "minimum entry time."

EFFECTIVE DATE: April 24, 1979.

FOR FURTHER INFORMATION CONTACT: Lucille C. Pinkett, Chief, Branch of Child Labor, Room S3022, New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20210, 202-523-8412.

SUPPLEMENTARY INFORMATION: Section 13(c)(4) of the Fair Labor Standards Act, as amended, provides for the issuance of waivers permitting the employment of 10- and 11-year-old minors in the hand harvesting of short season crops upon the submission by the employer applying for a waiver that, among other required objective data, the "level and type of pesticides and other chemicals used would not have an adverse effect on the health or well-being of" minors employed under the waiver.

It would appear from the legislative history of the provision that Congress assumed that such objective data were available to an employer or group of employers. The Secretary of Labor found, however, that the Federal safety standards for the use of pesticides and other chemicals for agricultural workers were not applicable to such young children. Thus, the regulations published June 21, 1978 (43 FR 26562) provided that an employer applying for a waiver either had to submit a statement that no pesticides or other chemicals were used on the crop to be harvested or submit data which upon study by the Secretary or the Secretary's designee establishes safe reentry times for 10- and 11-year-olds for the pesticides or chemicals used. Therefore, as previously stated by the Secretary, the Department of Labor has undertaken a continuing study of the use and effect of pesticides and other chemicals used on short season crops in order to establish minimum entry times for specified pesticides and chemicals for use on specified crops.

A review of existing scientific literature relating to the toxicity, environmental degradation and residue dynamics of certain pesticides and chemicals has not disclosed any research directed specifically to their effects upon 10- and 11-year-old hand harvesters. However, on the basis of the

scientific evidence disclosed, the Secretary of Labor has adopted minimum entry times for 10- and 11-year-old hand harvesters of strawberries and potatoes which add additional safety factors to existing standards established to protect adults from adverse effects.

An amendment to this section, published on August 18, 1978 (43 FR 36623), provided safe preharvest intervals for the use of certain pesticides and other chemicals for two crops, strawberries and potatoes. An amendment to this section, published on April 13, 1979 (44 FR 22059), withdrew certain pesticides or chemicals which had, in the interim, been determined to be suspected carcinogens from this permissible list. In the course of the Secretary's continuing study of pesticides and chemicals for use with respect to strawberries and potatoes it has now been determined that another pesticide or chemical must also be deleted from the list in § 575.5(d)(2), i.e., Benomyl (Benlate). Based on the scientific evidence currently available, this pesticide or chemical is moderately or highly persistent in soil or on foliage and has serious toxic effects. Thus, it is not possible at this time to establish a minimum entry time for this pesticide or chemical which would protect 10- and 11-year-old hand harvesters from adverse effects. For that pesticide or chemical which is being deleted from the permissible list by this amendment, i.e., Benomyl (Benlate), use prior to the effective date of this change will not preclude issuance of a waiver for the 1979 strawberry harvest which will not begin before late May or early June.

Additionally, numerous pesticides and chemicals have been added to the lists with a minimum entry time for 10- and 11-year-olds. The minimum entry time for certain other pesticides or chemicals has been changed in accordance with the findings of the Secretary's study, i.e., Carbaryl (Sevin) and Endosulfan (Thiodan). This document also adds four pesticides or chemicals (including Benomyl) to the list of those being reviewed, use of which would require supporting data to establish minimum entry times for 10- and 11-year-old hand harvesters. These four pesticides or chemicals are: Benomyl (Benlate); Dinitro-O-Cresol (DNOC); Parathion; and Thiram.

As any change in § 575.5(d)(2) will affect the proposed use of pesticides and chemicals by an employer or group of employers applying for a waiver for the permissible employment of 10- and 11-year-old hand harvesters of strawberries, which harvest begins

around June 1, it is necessary that interested persons be informed of this restriction or release of restriction before submitting an application with respect to the 1979 strawberry harvest. Therefore, I find that notice and public procedure on these regulations are impractical, and contrary to the public interest. For these same reasons these regulations shall be effective upon publication in the Federal Register. Nothing herein, however, will preclude an employer or group of employers from submitting data which would warrant reconsideration of this determination.

Current regulations refer to "safe reentry time" and to "preharvest interval", which for purposes of the regulations have been used synonymously. These terms, used in other Federal regulations concerning the use of pesticides and chemicals in agriculture, do not express the standard intended herein, i.e., the amount of elapsed time required from the last application of the pesticide or chemical to the entry of the 10- or 11-year-old hand harvester into the field. Therefore, this document deletes those terms wherever they appear and inserts the term, "minimum entry time".

These regulations have been developed under the direction and control of Donald Elisburg, Assistant Secretary for Employment Standards, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Accordingly, § 575.5(d) of part 575, Title 29 of the Code of Federal Regulations is revised as follows:

§ 575.5 Supporting data to accompany application.

(d)(1)(i) The "level and type of pesticides and other chemicals used would not have an adverse effect on the health or well-being of" minors employed under the waiver. The safe reentry standards established by the Environmental Protection Agency, and followed by other Federal and State agencies, were established for adult workers and have not been shown to be safe for 10- and 11-year-olds. Therefore, the applicant, in order to satisfy this condition, will: (A) have to submit a statement that no pesticides or other chemicals were used on the crop to be harvested; (B) submit data which upon study by the Secretary or the Secretary's designee establishes a basis for a minimum entry time which would protect 10- and 11-year-old hand harvesters from adverse effects of the pesticide or chemical used; or (C) specify from lists provided in

subparagraph (2) or (3) of this paragraph the type and level of pesticides or chemicals used and the date of last application of same prior to harvest. If additional studies conducted by the Secretary or the Secretary's designee, establish differing standards or standards requiring different minimum entry times for 10- and 11-year-olds, this section will be amended accordingly.

(ii) The "level" of pesticides or other chemicals used shall mean the level of application set forth in the directions for use on the manufacturer's label.

(2) On the basis of studies conducted at the direction of the Secretary it has been determined that in harvesting strawberries the following pesticides or other chemicals would not have an adverse effect on the health or well-being of 10- and 11-year-old hand harvesters if applied at not less than the indicated minimum entry times:

Pesticide	Minimum entry time for 10- and 11-year-olds (days)
Endosulfan (Thiodan)	16
Demeton (Systox)	42
Dazoxan	10
Azinphosmethyl (Guthion)	30
Chloroxuron (Tercaron)	120
Dinoseb (Pro-Merger, DiNitro)	60
Diphenamid (Endo)	120
Malathion	6
Metaldethydo	12
Methoxychlor (Marlate)	28
Mevinphos (Phacodrin)	8
Napropamide (Downol)	(1)
Oxydemeton Methyl (metasystox R)	28
Tricyclohexyltin hydroxide (Picttran)	28
Propargite (Omilar, Comite)	6
Rotenone	4
Serrazone	(1)
Sulfur	2
Carbaryl (Sevin)	40

*Use according to label.

(3) On the basis of studies conducted at the direction of the Secretary it has been determined that in harvesting potatoes the following pesticides or other chemicals would not have an adverse effect on the health or well-being of 10- and 11-year-old hand harvesters if applied at not less than the indicated minimum entry times:

Pesticide	Minimum entry time for 10- and 11-year-olds (days)
Aldicarb (Temik)	100
Diazofotol (Di Syston)	90
Carbofuran (Furadan)	2
Endosulfan (Thiodan)	16
Demeton (Systox)	42
Monitor	28
Methomyl (Lanato-L)	28
Captafol (Difolatan)	2
Triphenyltin hydroxide (Duter)	16 and 266
Fenitrothion (Pinnor)	2
EPTC (Eptam)	90
Alachlor (Lasso)	45
Unuron (Loran)	45
Mebutizum (Senecol)	45
Dalapon	45
Ametryn (Evik)	28
Azinphosmethyl (Guthion)	42
Dinoseb (Pro-Merger, DiNitro)	60

*Minimum
entry time
for 10- and
11-year.*

Diphenamid (Enide)	100
Malathion	2
Metalddehyde	12
Methoxychlor (Marlate)	28
Mevinphos (Phosdrin)	8
Oxydemeton methyl (Metasystox R)	14
Paraquat	20
Propargite (Omite; Comite)	28
Rotenone	4
Sulfur	2
Carbaryl (Sevin)	40

¹For aerial and ground application.

²For irrigation application.

(4) The following pesticides or chemicals have been identified as suspected carcinogens and their use will preclude the issuance of a waiver:

Captan
Chlorothalonil (Bravo)
Dicofol (Kelthane)

(5)(i) The following pesticides or chemicals have been preliminarily reviewed by the Secretary or the Secretary's designee but at this time there does not appear to be sufficient scientific data upon which to base minimum entry times:

Maneb
Metiram-Polyram
Benomyl (Benlate)
Dinitro-o-cresol (DNOC)
Parathion
Thiram

(ii) An application indicating the use of any of these pesticides or chemicals must be accompanied with data which upon study by the Secretary or the Secretary's designee establishes safe reentry times for 10- and 11-year-olds, as provided in paragraph (d)(1)(i)(B) of this section.

Signed at Washington, D.C. this 20th day of April, 1979.

Donald Ellisburg,
Assistant Secretary, Employment Standards.
[FR Doc. 79-12789 Filed 4-23-79; 8:45 am]
BILLING CODE 4510-27-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Parts 714, 729

Miscellaneous Deletions of Regulations

AGENCY: Department of the Navy, Department of Defense.

ACTION: Final rule; deletions.

SUMMARY: The Department of the Navy is amending Title 32 of the *Code of Federal Regulations* (CFR), Chapter VI,

by deleting miscellaneous parts pertaining to officer personnel and the Navy and Marine Corps Military Personnel Security Program. This action is being taken to make 32 CFR a more useful guide for members of the public by deleting those regulations and procedural provisions that do not have general applicability outside the Government. It is intended that the effect of these amendments will be to improve 32 CFR Chapter VI by removing unnecessary material.

EFFECTIVE DATE: The deletions are effective on April 24, 1979.

FOR FURTHER INFORMATION CONTACT: Lt. Gerald J. Kirkpatrick, JAGC, U.S. Navy, Administrative Law Division, Office of the Judge Advocate General, Department of the Navy, Washington, D.C. 20370, Telephone (202) 694-5267.

SUPPLEMENTARY INFORMATION: In accordance with the Presidential objective of assuring that Federal regulations are as effective, reasonable, and understandable as possible, and pursuant to a Department of Defense project to, among other things, make Title 32 of the Code of Federal Regulations (CFR) a more useful guide for members of the public by deleting those regulations which are not required to be published in the Federal Register and incorporated in the CFR, the Department of the Navy has determined, under guidance issued by the General Counsel of the Department of Defense, that certain regulations pertaining to officer personnel matters and the Navy and Marine Corps Military Personnel Security Program can be deleted because they do not have general applicability outside the Government. The source directives for the deleted CFR provisions are, however, not cancelled and thus remain effective.

Accordingly, 32 CFR Chapter VI is amended as follows:

PART 714 [Deleted]

a. Part 714 of 32 CFR is deleted.

PART 729 [Deleted]

b. Part 729 of 32 CFR is deleted.

Dated: April 19, 1979.

P. B. Walker,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 79-12667 Filed 4-23-79; 8:45 am]

BILLING CODE 3810-71-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101

Illustration of Revised GSA Form 1424

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation illustrates the revised GSA Form 1424, September 1978, GSA Supplemental Provisions. GSA Form 1424 supplements and modifies the provisions contained in Standard Form 32, General Provisions (Supply Contract) and Standard Form 33-A, Solicitation Instructions and Conditions.

EFFECTIVE DATE: April 24, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. John I. Tait, Director, Regulations and Management Control Division (703-557-1914).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and therefore is not significant for the purposes of Executive Order 12044.

Section 101-26.4902-1424 is revised to illustrate revised GSA Form 1424, September 1978, GSA Supplemental Provisions.

Note.—The form illustrated in § 101-26.4902-1424 is filed as part of the original document and does not appear in the Federal Register.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: March 30, 1979.

Jay Solomon,

Administrator of General Services.

[FPMR Amdt. E-230]

[FR Doc. 79-12580 Filed 4-23-79; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development Services

45 CFR Parts 1301, 1302, 1303, 1336

Head Start and Native American Programs

AGENCY: Office of Human Development Services, DHEW.

ACTION: Final Rules.

SUMMARY: These rules concerning Head Start and Native American Programs are revised to delete portions of rules duplicated in HEW's department-wide regulation on Administration of Grants, 45 CFR Part 74. In addition, organizational name changes were made to reflect a reorganization which

occurred since the publication of these regulations and other changes of an editorial nature have been included to update the regulations.

EFFECTIVE DATE: April 24, 1979.

FOR FURTHER INFORMATION CONTACT:

For Parts 1301, 1302, and 1303, D. C. Drohat, Head Start Bureau, Administration for Children, Youth and Families, 400 6th Street SW., Washington, D.C. 20201, (202) 755-7480.

For Part 1336, Casimer Wichlacz, Director, Policy, Planning and Budget Division, Administration for Native Americans, 357G Humphrey Building, Washington, D.C. 20201, (202) 426-4055.

SUPPLEMENTARY INFORMATION: The Department's general grant regulation, 45 CFR Part 74, was revised last year and provides, for the first time, basic administrative provisions for virtually all HEW grants. This was a major step in the Department's program to standardize, consolidate, and simplify grants administration provisions which previously were scattered in HEW regulations and publications. (See 43 FR 34076, August 2, 1978).

As an extension of this effort, the Office of Human Development Services has reviewed Head Start regulations found in Parts 1301, 1302, and 1303 and Native American Program regulations found in Part 1336 to identify and purge provisions of those regulations that conflict with, repeat, state differently, or expand upon provisions in Part 74. Instead, Part 74 will be referenced as applicable in these regulations and the revised Part 74 regulations will be made available to recipients along with the revised program regulations.

In addition, a reorganization of HDS in 1977 changed the names of the Office of Child Development (OCD) to the Administration for Children, Youth and Families (ACYF) and the Office of Native American Programs (ONAP) to the Administration for Native Americans (ANA). The head of OCD and the head of ONAP were previously referred to as Directors. Their title has now been changed to Commissioner. We have taken this opportunity to make changes and also to update statutory references.

1. Part 1301 is revised to read as follows:

PART 1301—HEAD START GRANTS ADMINISTRATION

Subpart A—General

Sec.

- 1301.1 Purpose and scope.
- 1301.2 Definitions.

Subpart B—General Requirements

- 1301.10 General.
- 1301.11 Insurance and bonding.
- 1301.12 Annual audit of Head Start programs.
- 1301.13 Accounting system certification.

Subpart C—Federal Financial Assistance

- 1301.20 Matching requirements.
- 1301.21 Criteria for increase in Federal share.

Subpart D—Personnel and General Administration

- 1301.30 General requirements.
- 1301.31 Personnel policies.
- 1301.32 Limitation on cost of development and administration.
- 1301.33 Delegation of program operations.
- 1301.34 Grantee appeals.

Authority: 88 Stat. 2300, et seq. (42 U.S.C. 2921 et seq.).

Subpart A—General

§ 1301.1 Purpose and scope.

This part establishes regulations applicable to program administration and grants management for all grants under the Act, including grants for technical assistance and training and grants for research, demonstration, and pilot projects.

§ 1301.2 Definitions.

For the purposes of this part, unless the context requires otherwise:

"Act" means title V of the Economic Opportunity Act of 1964, as amended.

"Approved costs" means the total budget, including both the Federal share and the non-Federal share, for carrying out the program activities provided for in an approved application for a Head Start program.

"Budget period" means the interval of time, into which a multi-year period of assistance (project period) is divided for budgetary and funding purposes.

"Community" means a city, county, a multi-city or multi-county unit within a state, an Indian reservation, or any neighborhood or other geographic area (irrespective of boundaries or political subdivisions) which provides a suitable organizational base and possesses the commonality of interest needed to operate a Head Start program.

"Delegate agency" means a public or private non-profit organization or agency to which a grantee has delegated all or part of its responsibility for operating a Head Start program.

"Development and administrative costs" are all costs other than those which are incurred in carrying out the education, health, social service, and parent involvement functions prescribed in part 1304 of this chapter. These costs include, but are not limited to, the

personnel and other costs of overall planning, coordination, general program direction, accounting, auditing, bonding, insurance, and the allocated costs of occupying, operating, and maintaining the space utilized for these purposes.

"Head Start Agency" or "grantee" means a local public or private non-profit agency designated to operate a Head Start program by the responsible HEW official, in accordance with part 1302 of this chapter.

"Head Start program" means a program, funded under the Act and carried out by a Head Start agency or a delegate agency, that provides ongoing comprehensive child development services.

"Independent auditor" means an individual accountant or an accounting firm, public or private agency, association, corporation, or partnership, that is sufficiently independent of the agency being audited to render objective and unbiased opinions, conclusions, and judgments.

"Major disaster" means any natural disaster or catastrophe which is of such severity and magnitude as to directly affect the capability of the Head Start agency of agencies providing Head Start programs to the damaged community to continue the programs without an increase in the Federal share above 80 percent.

"Responsible HEW official" means the official of the Department of Health, Education, and Welfare who has authority to make grants under the Act.

"Totals costs" means the sum of all approved costs incurred in operating a Head Start program during an approved budget period.

Subpart B—General Requirements

§ 1301.10 General.

(a) Except as specified in paragraph (b) of this section, the following HEW regulations shall apply to all grants made under the Act:

45 CFR Part 16 Department grant appeals process (except as provided in § 1301.34)

45 CFR Part 46 Protection of Human Subjects

45 CFR Part 74 Administration of grants

45 CFR Part 75 Informal grant appeals procedures (Indirect cost rates and other cost allocations)

45 CFR Part 80 Nondiscrimination under programs receiving Federal assistance through the Department of Health, Education, and Welfare—Effectuation of Title VI of the Civil Rights Act of 1964

45 CFR Part 81 Practice and procedure for hearings under Part 80

45 CFR Part 84 Nondiscrimination on the basis of handicap in Federally assisted programs.

(b) 45 CFR Part 74 is superseded as follows: (1) § 1301.11 of this subpart supersedes § 74.15 of Part 74 with respect to insurance and bonding of private, non-profit Head Start agencies; and (2) § 1301.12 of this subpart supersedes § 74.61 of Part 74 with respect to audit requirements for all Head Start agencies.

§ 1301.11 Insurance and bonding.

(a) Private nonprofit Head Start agencies and their delegate agencies shall carry reasonable amounts of student accident insurance, liability insurance for accidents of their premises, and transportation liability insurance.

(b) Private nonprofit Head Start and delegate agencies shall make arrangements for bonding officials and employees authorized to disburse program funds.

§ 1301.12 Annual audit of Head Start programs.

(a) An audit of the Head Start program covering the prior budget period of each Head Start agency and its delegate agencies, if any, shall be made by an independent auditor to determine: (1) Whether the agency's financial statements are accurate; (2) whether the agency is complying with the terms and conditions of the grant; and (3) whether appropriate financial and administrative procedures and controls have been installed and are operating effectively. Head Start agencies shall either include delegate agency audits as a part of their own audits or provide for separate independent audits of their delegate agencies.

(b) Upon a written request showing necessity, the responsible HEW official may approve a period other than the prior budget period to be covered by the annual audit.

(c) Unless otherwise approved by the responsible HEW official, the report of the audit shall be submitted to the responsible HEW official, in the manner and form prescribed by him or her, within 4 months after the prior budget period.

§ 1301.13 Accounting system certification.

(a) Upon request by the responsible HEW official, each Head Start agency or its delegate agency shall submit an accounting system certification, prepared by an independent auditor, stating that the accounting system or systems established by the Head Start agency, or its delegate, has appropriate internal controls for safeguarding assets, checking the accuracy and reliability of

accounting data, and promoting operating efficiency.

(b) A Head Start agency shall not delegate any of its Head Start program responsibilities to a delegate agency prior to receiving a certification that the delegate agency's accounting system meets the requirements specified in paragraph (a).

Subpart C—Federal Financial Assistance

§ 1301.20 Matching requirements.

(a) Federal financial assistance granted under the act for a Head Start program shall not exceed 80 percent of the total costs of the program, unless: (i) An amount in excess of that percentage is approved under section 1301.21; or (ii) the Head Start agency received Federal financial assistance in excess of 80 percent for any budget period falling within fiscal year 1973 or fiscal year 1974. Under the circumstances described in clause (ii) of the preceding sentence, the agency is entitled to receive the same percentage of Federal financial assistance that it received during such budget periods.

(b) The non-Federal share will not be required to exceed 20 percent of the total costs of the program.

§ 1301.21 Criteria for increase in Federal financial assistance.

The responsible HEW official, on the basis of a written application and any supporting evidence he or she may require, will approve financial assistance in excess of 80 percent if he or she concludes that the Head Start agency has made a reasonable effort to meet its required non-Federal share but is unable to do so; and the Head Start agency is located in a county: (a) That has a personal per capita income of less than \$3,000 per year; or (b) that has been involved in a major disaster.

Subpart D—Personnel and General Administration

§ 1301.30 General requirements.

Head Start agencies and delegate agencies shall conduct the Head Start program in an effective and efficient manner, free of political bias or family favoritism. Each agency shall also provide reasonable public access to information and to the agency's records pertaining to the Head Start program.

§ 1301.31 Personnel policies.

(a) Head Start agencies shall establish personnel policies for themselves and their delegate agencies. At a minimum, such policies must govern the following: staff qualifications, recruitment and

selection, classification of positions, salaries, employee benefits (including leave, holidays, overtime, and fringe benefits), conflicts of interest, official travel, career development, performance evaluations, and employee management relations (including employee grievances and adverse actions).

(b) The policies shall be in writing, approved by the Head Start Policy Council or Committee, and made available to all Head Start and delegate agency employees.

§ 1301.32 Limitation on costs of development and administration.

(a) The costs of developing and administering a Head Start program shall not exceed 15 percent of the total costs of such program, unless the responsible HEW official approves a higher percentage for periods not to exceed 6 months, as necessary to carry out the purpose of the program.

(b) Each Head Start agency shall provide with its application a statement that the costs of development and administration will not exceed 15 percent of the total cost.

§ 1301.33 Delegation of program operations.

Federal financial assistance is not available for program operations where such operations have been delegated to a delegate agency by a Head Start agency unless the delegation of program operations is made by a written agreement and has been approved by the responsible HEW official before the delegation is made.

§ 1301.34 Grantee appeals.

An agency receiving a grant under the Act for technical assistance and training, or for a research, demonstration, or pilot project may appeal adverse decisions in accordance with part 16 of this title. Head Start agencies are also subject to the appeal procedures in Part 16 except appeals by those agencies for suspension, termination and denial of refunding are subject to Part 1303 of this title.

2. Part 1302 is revised to read as follows:

PART 1302—POLICIES AND PROCEDURES FOR SELECTION, INITIAL FUNDING, AND REFUNDING OF HEAD START GRANTEEES, AND FOR SELECTION OF REPLACEMENT GRANTEEES

Subpart A—General

Sec.

1302.1 Purpose and scope.

1302.2 Definitions.

1302.3 Consultation with public officials and consumers.

1302.4 Transfer of unexpended balances.

1302.5 Notice for show cause and hearing.

Subpart B—Basis for Selection of Grantees

1302.10 Selection among applicants.

1302.11 Selection among applicants to replace grantee.

1302.12 Community action agency priority.

Subpart C—Change in Grantee Requiring Amendment of Approved Application or Replacement of Head Start Program

1302.20 Grantee to show both legal status and financial viability.

1302.21 Grantee shows legal status but not financial viability.

1302.22 Suspension or termination of grantee which shows financial viability but not legal status.

1302.23 Suspension or termination of grantee which shows legal status but not financial viability.

1302.24 Denial of refunding of grantee.

1302.25 Control of funds of grantee scheduled for change.

Authority: Sec. 602(n), 78 Stat. 530, 42 U.S.C. 2942(n); Delegation of Authorities to Secretary of Health, Education, and Welfare, 38 FR 19291.

Subpart A—General

§ 1302.1 Purpose and scope.

The purpose of this part is to set forth policies and procedures for the selection, initial funding and refunding of Head Start grantees and for the selection of replacement grantees in the event of the voluntary or involuntary termination, or denial of refunding, of Head Start programs. It particularly provides for consideration of the need for selection of a replacement grantee where the continuing eligibility (legal status) and fiscal capability (financial viability) of a grantee to operate a Head Start program is cast in doubt by the cessation of funding under section 519 of the Act or by the occurrence of some other major change. It is intended that Head Start programs be administered effectively and responsibly; that applicants to administer programs receive fair and equitable consideration; and that the legal rights of current Head Start grantees be fully protected.

§ 1302.2 Definitions.

As used in this part—

"Act" means Title V of The Economic Opportunity Act of 1964, as amended.

"Approvable application" means an application for a Head Start program, either as an initial application or as an application to amend an approved application covering an on-going Head Start program, which, in addition to showing that the applicant has legal status and financial viability, provides for comprehensive services for children

and families and for effective and responsible administration which are in conformity with the Act and applicable regulations, the Head Start Manual and Head Start policies.

"Community action agency" means a public or private nonprofit agency or organization designated as a community action agency by the Director of the community Services Administration pursuant to section 210(a) or section 210(d) of the Act.

"Community action program" means a program operated by a community action agency.

"Financial viability" means the capability of an applicant or the continuing capability of a grantee to furnish the non-Federal share of the cost of operating an approvable or approved Head Start program.

"Head Start grantee" or "grantee" means a public or private nonprofit agency or organization whose application to operate a Head Start program pursuant to section 514 of the Act has been approved by the responsible HEW official.

"Legal status" means the existence of an applicant or grantee as a public agency or organization under the law of the State in which it is located, or existence as a private nonprofit agency or organization as a legal entity recognized under the law of the State in which it is located. Existence as a private non-profit agency or organization may be established under applicable State or Federal law.

"Responsible HEW official" means the official of the Department of Health, Education, and Welfare who has authority to make grants under the Act.

§ 1302.3 Consultation with public officials and consumers.

Responsible HEW officials will consult with Governors, or their representatives, appropriate local general purpose government officials, and Head Start Policy Council and other appropriate representatives of communities to be served on the proposed replacement of Head Start grantees.

§ 1302.4 Transfer of unexpended balances.

When replacing a grantee, unexpended balances of funds in the possession of such grantee in the fiscal year following the fiscal year for which the funds were appropriated may be transferred to the replacement grantee if the approved application of the replacement grantee provides for the continuation of the Head Start services without significant change to the same

enrollees and their parents and undertakes to offer employment to the staff of the terminating grantee. A letter of concurrence in the change should be obtained from the terminating grantee whenever possible.

§ 1302.5 Grantee appeal rights.

(a) Except in emergency situations, the responsible HEW official will not suspend financial assistance under the Act unless the grantee has been given an opportunity, in accordance with Part 1303, Subpart D, of this chapter, to show cause why such action should not be taken.

(b) The responsible HEW official will not terminate a grant, suspend a grant for longer than 30 days, or deny refunding to a grantee, unless the grantee has been given an opportunity for a hearing in accordance with Part 1303 of this chapter.

Subpart B—Bases for Selection of Grantees

§ 1302.10 Selection among applicants.

The basis for making a selection among applicants for a Head Start program shall be the extent to which the application selected reasonably promises the most effective and responsible Head Start program of the approvable applications submitted in terms of (a) the cost-effectiveness of the program proposed to be provided; (b) the qualifications and experience of the applicant in planning, organizing, and providing comprehensive child development services at the community level; (c) the provisions made for direct participation of parents in the planning, conduct and administration of the program; (d) the opportunities provided for employment of target area residents and career development opportunities for paraprofessional and other staff; (e) the suitability of the facilities and equipment proposed to be utilized in carrying out the Head Start program; and (f) the administrative and fiscal capabilities of the applicant to administer all Head Start programs carried out in the community.

§ 1302.11 Selection among applicants to replace grantee.

The bases for making a selection among applicants which submit approvable applications to replace a grantee, in addition to the basis in § 1302.10 of this part, shall be:

(a) The extent to which provision is made for a continuation of services to the eligible children who have been participating as enrollees in the program;

(b) The extent to which provision is made for continuation of services to the target area or areas served by the program; and

(c) The extent to which provision is made for continued employment by the applicant of the qualified personnel of the existing program.

§ 1302.12 Priority for previously selected Head Start agencies.

Before selecting Head Start agency, the responsible HEW official, in addition to considering the factors specified in §§ 1302.10 and 1302.11, will give priority to an agency which was receiving funds under the Act on January 4, 1975, to operate a Head Start program.

Subpart C—Change in Grantee Requiring Amendment of Approved Application or Replacement of Head Start Program

§ 1302.20 Grantee to show both legal status and financial viability.

(a) Upon the occurrence of a change in the legal condition of a grantee or of a substantial diminution of the financial resources of a grantee, or both, for example, such as might result from cessation of grants to the grantee under section 514 of the Act, the grantee is required within 30 days after the effective date of the regulations in this Part or the date the grantee has notice or knowledge of the change, whichever is later, to show in writing to the satisfaction of the responsible HEW official that it has and will continue to have legal status and financial viability. Failure to make this showing may result in suspension, termination or denial of refunding.

(b) The responsible HEW official will notify the grantee in writing of the decision as to the grantee's legal status and financial viability within 30 days after receiving the grantee's written submittal.

(c) When it is consistent with proper and efficient administration, the responsible HEW official may extend a grantee's program year to end on the date when a change in its legal condition or a substantial diminution of financial resources, or both, is scheduled to take place.

§ 1302.21 Grantee shows legal status but not financial viability.

(a) If a grantee shows legal status but impaired financial viability the responsible HEW official will entertain a timely request for amendment of the grantee's approved application which restores the grantee's financial viability either by a reduction in the program

which produces minimum disruption to services and functions, or by an amendment which incorporates essential functions and services not previously funded as part of the total cost of the Head Start program, and, therefore, requires an increase in the amount of the Head Start grant but which will not result in a Federal share of the total cost of the Head Start program in excess of the percentage authorized by the Act or applicable regulations. In considering such a request which includes an increase in the Head Start grant the responsible HEW official will take into account the funds available to him for obligation and whether the proposed increase is consistent with that distribution of Head Start funds which:

(1) Maximizes the number of children served within his area of responsibility, or in the case of experimental or demonstration programs, the experimental or demonstration benefits to be achieved, and

(2) Maintains approximately the same distribution of Head Start program funds to States as exist during the fiscal year in which his decision is made.

(b) A request for amendment will be considered to be timely if it is included with the written submittal required by § 1302.20(a) of this part, submitted within 30 days after receiving the notice required by § 1302.20(b) of this part, or submitted as a part of a timely application for refunding.

(c) The grantee will be notified in writing by the responsible HEW official within 30 days after submission of the requested amendment of the decision to approve or disapprove the requested amendment. If the requested amendment is disapproved the notice will contain a statement of the reasons for disapproval.

§ 1302.22 Suspension or termination of grantee which shows financial viability but not legal status.

If a grantee fails to show that it will continue to have legal status after the date of change even though it may show financial viability, the grant shall be suspended or terminated or refunding shall be denied as of the date of change. If it appears reasonable to the responsible HEW official that the deficiency in legal status will be corrected within 30 days he may suspend the grant for not to exceed 30 days after the date of change or the date of submission of a timely request for amendment. If such correction has not been made within the 30 day period the grant shall be terminated.

§ 1302.23 Suspension or termination of grantee which shows legal status but not financial viability.

(a) If the date of change of financial viability precedes or will precede the end of the grantee's program year the grant will be suspended or terminated on that date, or, if a request for amendment has been submitted under § 1302.21 of this part, upon written notice of disapproval of the requested amendment, whichever is later. If it appears reasonable to the responsible HEW official that the deficiency in financial viability will be corrected within 30 days he may suspend the grant for not to exceed 30 days after the date of change or notice of disapproval. If such correction has not been made within the 30 day period the grant will be terminated.

§ 1302.24 Denial of refunding of grantee.

(a) If the date of change will coincide with or will come after the end of the program year and the grantee has notice or knowledge of such change prior to the end of the program year any action taken to approve the grantee's application for refunding for the following program year shall be subject to rescission or ratification depending upon the decision of the responsible HEW official on the grantee's legal status and financial viability and on any requested amendment submitted by the grantee. If the requested amendment is disapproved the responsible HEW official may extend the program year in accordance with § 1302.20(c) of this part.

(b) If the date of change coincides with the end of the program year and the grantee does not have notice or knowledge of the change prior thereto and the grantee's application for refunding for the following program year has been approved, such approval shall be subject to rescission or ratification depending upon the decision of the responsible HEW official on the grantee's legal status and viability and on any requested financial amendment submitted by the grantee.

(c) If the date of change will coincide with or will come after the end of the program year and if the responsible HEW official has prior notice thereof from the grantee or other official source such as the Community Services Administration action to approve any application for refunding submitted by the grantee shall be deferred pending decision by the responsible HEW official on the grantee's legal status and financial viability and any requested amendment submitted by the grantee.

(d) When the responsible HEW official determines to approve a

requested amendment for refunding he will approve it for the full term of the proposed program period, if that period as approved is no longer than a program year.

§ 1302.25 Control of funds of grantee scheduled for change.

Responsible HEW officials will place strict controls on the release of grant funds to grantees which are scheduled for change by cessation of their grants under section 519 of the Act. Specifically, the following controls will be established:

(a) Funds will be released on a monthly basis regardless of the form of grant payment.

(b) Funds released each month will be limited to the amount required to cover actual disbursements during that period for activities authorized under the approved Head Start program.

(c) The amount of funds released must be approved each month by the responsible HEW official.

3. Part 1303 is revised to read as follows:

PART 1303—PROCEDURES FOR APPEALS FOR HEAD START DELEGATE AGENCIES, AND FOR OPPORTUNITIES TO SHOW CAUSE AND HEARINGS FOR HEAD START GRANTEES

Subpart A—General

Sec.

- 1303.1 Purpose and application.
- 1303.2 Definitions.
- 1303.3 Right to counsel, counsel fees, travel.
- 1303.4 Other remedies.

Subpart B—Appeals by Delegate Agencies

- 1303.10 Appeal on notice of rejection or failure to act.
- 1303.11 Procedures for appeal by current delegate agency.
- 1303.12 Decision on appeal and review.
- 1303.13 Remedies.
- 1303.14 Procedures for appeal by rejected prospective delegate agency.
- 1303.15 Decision on appeal.
- 1303.16 Remedies.
- 1303.17 Procedures when grantee fails to act on application of prospective delegate agency.
- 1303.18 Decision on appeal.
- 1303.19 Remedies.

Subpart C—Denial of Grantee's Application for Refunding

- 1303.20 Denial of refunding.
- 1303.21 Notice of intended denial and opportunity for a hearing to show cause.
- 1303.22 Hearing to show cause. Decision on appeal and review.
- 1303.23 Time and place of hearing.
- 1303.24 Conduct of hearing.
- 1303.25 Initial decision, exceptions, final decision and review.

- 1303.26 Modification of procedures by consent.

Subpart D—Suspension and Termination of Financial Assistance to Grantees

- 1303.30 Purpose.
- 1303.31 Suspension on notice and opportunity to show cause.
- 1303.32 Summary suspension and opportunity to show cause.
- 1303.33 Termination and hearing.
- 1303.34 Time and place of hearing.
- 1303.35 Conduct of hearing.
- 1303.36 Initial decision, exceptions, final decision, and review.
- 1303.37 Modification of procedures by consent.

Authority: 88 Stat. 2304 (42 U.S.C. 2928h).

Subpart A—General

§ 1303.1 Purpose and application.

This part effectuates section 519 of the Act as it applies to grantees and delegate agencies engaged in or wanting to engage in the carrying out of Head Start programs under the Act. It prescribes the procedures for appeals by current and prospective delegate agencies from specified adverse action by grantees; and the procedures for reasonable notice and opportunity to show cause in cases of intended or actual suspension of financial assistance by the responsible HEW official or by ACYF and for a full and fair hearing for grantees in cases of denial of refunding or termination of financial assistance by the responsible HEW official or by ACYF.

§ 1303.2 Definitions.

As used in this part—

"Act" means Title V, Economic Opportunity Act of 1964, as amended.

"ACYF" means the Administration for Children, Youth and Families in the Department of Health, Education, and Welfare, and includes regional staff.

"Commissioner" means the Commissioner for Children, Youth and Families.

"Delegate agency" means a public or private non-profit organization or agency to which a grantee has delegated the carrying on of all or part of its Head Start programs.

"Current delegate agency" means a public or private non-profit agency which would like to continue to carry on all or part of the Head Start program of the grantee under an arrangement with and as delegate of the grantee.

"Grantee" means the local public or private non-profit agency which has been designated as a Head Start agency under section 514 of the Act and which has been granted assistance by the responsible HEW official or by ACYF to carry on a Head Start program.

"Program account" means the identification of a grouping of related program activities recognized by ACYF which, as an individual grouping or in combination with another grouping or other groupings, constitutes the Head Start program for which a Head Start grantee is furnished Federal financial assistance, and which serves as a unit for planning, budgeting, administering, and reporting the grantee's Head Start program. Examples of program accounts are: Full Year Head Start—Part Day; Full Year Head Start—Full Day; Summer Head Start; Parent and Child Centers; and Head Start Training and Technical Assistance.

"Prospective delegate agency" means a public or private nonprofit agency or organization which would like to serve as a delegate agency.

"Responsible HEW official" means the official who is authorized to make the grant of assistance in question, or his designee.

"Substantial rejection" means that a grantee requires that the funding of a current or prospective delegate agency be reduced to 80 percent or less of the current level of operations or of the amount requested in the application; or that a grantee requires that a program account which has cost or which would cost at least 25 percent of the total cost of the Head Start program in question be eliminated or reduced to 80 percent or less of the current level of operations or of the amount requested in the application.

"Suspension" of a grant means temporary withdrawal of the grantee's authority to obligate grant funds pending corrective action by the grantee or a decision to terminate the grant.

"Termination" of a grant means permanent withdrawal of the grantee's authority to obligate previously awarded grant funds before that authority would otherwise expire. It also means the voluntary relinquishment of that authority by the grantee.

"Termination" does not include:

(a) Withdrawal of funds awarded on the basis of the grantee's underestimate of the unobligated balance in a prior period;

(b) Refusal by the granting agency to extend a grant or award additional funds (such as refusal to make a competing or noncompeting continuation, renewal, extension, or supplemental award);

(c) Withdrawal of the unobligated balance as of the expiration of a grant;

(d) Annulment, i.e., voiding, of a grant upon determination that the award was obtained fraudulently, or was otherwise illegal or invalid from inception.

§ 1303.3 Right to counsel, counsel fees, travel.

(a) Parties to proceedings under this part, including ACYF and delegate agencies which have the right to participate in informal meetings or termination hearings, have the right to be represented by counsel. If a party which is a delegate agency or a grantee does not have an attorney acting in that capacity as a regular member of its staff or on a retainer arrangement, such a party may designate an attorney to represent it in the proceedings and it may transfer sufficient funds from its current operating funds to pay the fees, travel, and per diem expenses of such attorney. The fees for such attorney shall be the reasonable and customary fees for an attorney practicing in the locality of the attorney. However, such fees shall not exceed \$100 per day without the express written approval of the responsible HEW official. Travel and per diem expenses may be paid to such attorney from program funds in conformity with the Standard Government Travel Regulations. A delegate agency or a grantee also may designate two persons to attend and participate in proceedings under this part to which it is a party. Travel and per diem expenses may be paid to such persons from program funds in conformity with the Standard Government Travel Regulations.

(b) In the event that use of program funds under this section would result in curtailment of program operations or inability to liquidate prior obligations, the party so affected may apply to the responsible HEW official for payment of these expenses. The responsible HEW official, upon being satisfied that these expenditures would result in curtailment of program operations or inability to liquidate prior obligations, shall make payment therefor to the party by way of reimbursement from currently available funds.

§ 1303.4 Other remedies.

The procedures established by this part shall not be construed as precluding ACYF from pursuing any other remedies authorized by law.

Subpart B—Appeals by Delegate Agencies**§ 1303.10 Appeal on notice of rejection or failure to act.**

(a) A grantee shall give prompt, fair and adequate consideration to applications submitted by current or prospective delegate agencies to operate Head Start programs. It shall notify an applicant in writing within 30 days after

receiving an application of its decision to reject it either wholly or substantially. The notice shall contain a statement of the reasons for the decision, and a statement that the applicant has a right to appeal the decision to the responsible HEW official in writing within 15 days after receipt of the notice.

(b) If a grantee fails to act upon the application of a current or prospective delegate agency to operate a Head Start program within 30 days after receiving the application, such agency has a right to appeal the grantee's failure to act in writing to the responsible HEW official within 15 days after the end of the 30 day period. In the case of a current delegate agency the failure of the grantee to act within 30 days after receiving the application shall be deemed to be a rejection.

(c) A grantee shall not reject the application of a current delegate agency on the basis of defects or deficiencies in the application or in the operation of the project without first notifying the agency of what the defects and deficiencies consist, offering to assist the agency, including by the provision of technical assistance, in making corrections, and giving the agency reasonable opportunity to make corrections.

§ 1303.11 Procedures for appeal by current delegate agency.

(a) Within 10 days after receiving the written appeal of a current delegate agency, the responsible HEW official will notify both parties, the appellant and the grantee, in writing that the appellant shall have the opportunity to submit written material to the responsible HEW official and to meet informally with him and the grantee to show cause why the application should not be denied; that the grantee shall have the opportunity to submit written material for the responsible HEW official and to be present at the informal meeting with him to support its decision on the appellant's application; that the time within which the parties shall submit the written material to the responsible HEW official shall be no later than 14 days after the notice by the responsible HEW official was mailed; and that the appellant may request, no later than 14 days after the notice by the responsible HEW official was mailed, the informal meeting with the responsible HEW official and the grantee. A copy of this subpart and Subpart A of this part will be included with the notice mailed by the responsible HEW official to parties so that they may inform themselves of the nature of the written materials to be submitted, the opportunity for written

rebuttal, the issues that are involved in the appeal, and the remedies available.

(b) The current delegate agency shall submit to the responsible HEW official a copy of the material it submitted to the grantee in, and in connection with, its application. It shall also submit to the responsible HEW official a written statement setting forth:

(1) Whether, prior to the grantee's decision or failure to act, the grantee advised the appellant of defects and deficiencies in its application or in the operation of its project, as appropriate.

(i) If so, when and how such advice was given.

(ii) If so, the defects and deficiencies called to the appellant's attention.

(2) Whether the grantee provided the appellant reasonable opportunity to correct the defects and deficiencies referred to in paragraph (b)(1)(ii).

(i) If so, details of the opportunity that was given.

(ii) If so, whether the grantee provided technical advice and consultation with respect to the correction of the defects and deficiencies.

(A) If the answer to paragraph (b)(2)(ii) is affirmative, describe the assistance provided; and

(B) Describe what the appellant did about correcting the defects and deficiencies.

(3) When and how the grantee notified the appellant of its decision.

(4) Whether the grantee told the appellant the reasons for its decision. If so, how such reasons were communicated to the appellant and what they were.

(5) If it is the appellant's position that the grantee acted arbitrarily or unfairly, the reason why the appellant takes this position.

(6) Any other facts and circumstances which the appellant believes will support its appeal.

(c) In connection with the appeal the grantee shall submit a written statement to the responsible HEW official setting forth:

(1) Whether, prior to rejection of the application, or the failure to act within 30 days after its receipt, the grantee advised the appellant of defects and deficiencies in the application or in the operation of the appellant's project, as appropriate.

(i) If so, when and how was such advice given.

(ii) If so, the defects or deficiencies called to the appellant's attention.

(2) Whether the grantee provided the appellant an opportunity to correct the defects and deficiencies referred to in paragraph (c).

(i) If so, details of the opportunity that was given.

(ii) If so, whether the grantee provided technical advice and consultation with respect to correction of the defects and deficiencies.

(A) If the answer to paragraph (c)(2)(ii) is affirmative, describe the assistance provided; and

(B) What the appellant did about correcting the defects and deficiencies.

(3) When and how the grantee notified the appellant of the decision.

(4) Whether the grantee told the appellant the reasons for the decision. If so, how such reasons were communicated to the appellant and, what they were.

(5) Why the grantee takes the position that it acted reasonably and fairly in arriving at its decision or in its failure to act.

(6) Any other facts and circumstances which the grantee believes will support its decision or its failure to act.

(d) At the time of submitting the written statement, each party shall furnish a copy of its statement to the other party.

(e) If the appellant does not request an informal meeting, each party shall have an opportunity to reply in writing to the written statement submitted by the other party. The written reply shall be submitted to the responsible HEW official within 10 days after the copy of the other party's written statement was mailed.

(f) If the appellant requests an informal meeting, the meeting will be scheduled by the responsible HEW official as soon as possible, but not sooner than 14 days after the written notice to the parties was mailed by the responsible HEW official, unless the appellant and the grantee consent to an earlier meeting time. The responsible HEW official shall designate either the appropriate regional office or the place where the appellant or grantee is located as the place for holding the meeting.

§ 1303.12 Decision on appeal and review.

(a) The decision of the responsible HEW official will take into account the material submitted in writing and the information presented at the informal meeting. Unless it is found by the responsible HEW official that the grantee acted unfairly and did not have a rational basis for its decision, or its failure to act, or that the grantee failed to comply with paragraph (c), § 1303.10, the grantee will be sustained. The decision of the responsible HEW official will be made within 5 days after the informal meeting. This decision,

including a statement of the reasons therefor, will be in writing, and will be mailed immediately to the appellant and the grantee. If the decision is made on the basis of written materials only, the decision will be made within 14 days of the receipt of the materials.

(b) If the decision of the responsible HEW official sustains the decision or failure to act of the grantee, the appellant may, within 14 days of the date of mailing, make a written request for review of the decision by the Commissioner. If the decision of the responsible HEW official does not sustain the decision or failure to act of the grantee, the grantee may, within 14 days of the date of mailing, make a written request for review of the decision by the Commissioner. Upon such request by either party the Commissioner, or his designee, will review the decision of the responsible HEW official, the written material submitted by the appellant and grantee, and a report of the information presented at the informal meeting, and, on the basis of this review, make the final decision. The decision of the grantee will be sustained unless it is found that it acted unfairly and without a rational basis for its decision or its failure to act, or that the grantee failed to comply with paragraph (c), § 1303.10. The final decision will be made no later than 30 days after receipt of the request for review. The Commissioner will inform the appellant, the grantee, and the responsible HEW official in writing of the final decision and the reasons therefor.

§ 1303.13 Remedies.

(a) If the decision of the responsible HEW official does not sustain the grantee and there is no timely written request for review by the Commissioner, or if the final decision does not sustain the grantee, the responsible HEW official will remand the application to the grantee for prompt consideration or reconsideration and decision in accordance with the criteria set forth in § 1303.12 (a) and (b) for decision on the appeal, other than failure to comply with paragraph (c), § 1303.10. The grantee shall report its decision and the reasons therefor in writing to the responsible HEW official within 10 days after the date of the remand. If the responsible HEW official finds that the grantee gave fair consideration to the application on remand and that its decision has a rational basis, the appeal will be dismissed. If the responsible HEW official finds that the grantee failed to give fair consideration to the application on remand and that its decision does not

have a rational basis, or if the grantee fails to act within the 10 days, the responsible HEW official will entertain an application by the appellant for a direct grant. If such an application is approved, there will be a commensurate reduction in the level of funding of the grantee and whatever other action the responsible HEW official deems appropriate in the circumstances. If such an application is not approved, the responsible HEW official will take whatever action he deems appropriate in the circumstances.

(b) If the grantee is not sustained by the responsible HEW official because of failure to comply with paragraph (c), § 1303.10 and there is no timely request for review by the Commissioner, or if the final decision does not sustain the grantee because of such failure, the responsible HEW official will remand the application to the grantee for prompt compliance therewith. Within 60 days after such remand, but not earlier than 30 days, the grantee shall make a written report to the responsible HEW official on compliance activities and progress made. The report shall state whether the grantee will or will not approve the application at that time. If the grantee would reject the application, the report shall contain a detailed statement of the reasons on which rejection would be based. A copy of the report shall be made available to the appellant when the grantee submits it to the responsible HEW official. The appellant shall have 10 days after receiving the report within which to reply thereto in writing to the responsible HEW official. If, on the basis of the written material, the responsible HEW official finds that the grantee, on remand, complied with paragraph (c), § 1303.10, but that the defects and deficiencies continue uncorrected, the appeal will be dismissed. If the responsible HEW official finds that the grantee did not comply on remand the responsible HEW official will entertain an application from the appellant for a direct grant. If such an application is approved, there will be a commensurate reduction in the level of funding of the grantee and whatever other action the responsible HEW official deems appropriate in the circumstances. If such an application is not approved, the responsible HEW official will take whatever action he deems appropriate in the circumstances.

(c) If without fault on the part of the appellant its operating funds are exhausted before its appeal has been decided, ACYF will furnish sufficient funds for the maintenance of its current

level of operations until a final decision has been reached.

§ 1303.14 Procedures for appeal by rejected prospective delegate agency.

(a) Within 10 days after receiving the written appeal of a rejected prospective delegate agency the responsible HEW official will notify both parties, the appellant and the grantee, in writing that they shall have the opportunity to submit written material in connection with the appeal; and that the time within which the written material shall be submitted to the responsible HEW official shall be no later than 14 days after the notice by the responsible HEW official was mailed. A copy of this subpart and Subpart A of this Part shall be included with the notice mailed by the responsible HEW official to the parties so that they may inform themselves of the nature of the written material to be submitted, the opportunity for written rebuttal, the issues that are involved in the appeal, and the remedies available.

(b) The appellant shall submit to the responsible HEW official copies of the material it submitted to the grantee in, and in connection with, its application. It shall also submit a written statement setting forth the same material by § 1303.11(b).

(c) In connection with the appeal the grantee shall submit a written statement to the responsible HEW official setting forth the same material required by § 1303.11(c).

(d) At the time of submitting the written statements, each party shall furnish a copy of its statement to the other party.

(e) Each party shall have an opportunity to reply in writing to the written statement submitted by the other party. The written reply shall be submitted to the responsible HEW official within 10 days after the copy of the other party's written statement was mailed.

§ 1303.15 Decision on appeal.

(a) The responsible HEW official may designate a person to review the written material and make a written recommended decision. The final decision will be made by the responsible HEW official no later than 14 days after the receipt of the written material.

(b) A person designated to review the written material and make a recommended decision or the responsible HEW official may ask either or both parties to submit additional written material. A copy of any such request shall be furnished to each party,

and each party shall furnish a copy of any such additional written material to the other party.

(c) The recommended, if any, and final decisions will be based upon the written record resulting from the materials submitted by the parties. The decision of the grantee will be sustained unless it is found by the responsible HEW official that it acted unfairly and without a rational basis for its decision. The final decision of the responsible HEW official will be transmitted, in writing, immediately to the appellant and the grantee.

§ 1303.16 Remedies.

If the final decision does not sustain the grantee, the responsible HEW official will remand the application to the grantee for prompt consideration or reconsideration and decision in accordance with the criteria set forth in § 1303.12 (a) and (b) for decision on the appeal. The grantee shall report its decision and the reasons therefor in writing to the responsible HEW official within 10 days after the date of the remand. If the responsible HEW official finds that the grantee gave fair consideration to the application on remand and that its decision had a rational basis, the appeal shall be dismissed. If the responsible HEW official finds that the grantee failed to give fair consideration to the application on remand and that its decision did not have a rational basis, or if the grantee fails to act within the 10 days, the responsible HEW official will entertain an application by the appellant for a direct grant. If such an application is approved, there will be a commensurate reduction in the level of funding of the grantee and whatever other action the responsible HEW official deems appropriate in the circumstances. If such an application is not approved, the responsible HEW official will take whatever action he deems appropriate in the circumstances.

§ 1303.17 Procedures when grantee fails to act on application of prospective delegate agency.

(a) Within 10 days after receiving the written appeal based upon the failure of the grantee to act upon the application of a prospective delegate agency within 30 days, the responsible HEW official will notify both parties, the appellant and the grantee, in writing that they shall have the opportunity to submit written material in connection with the appeal; and that the time within which the written material shall be submitted to the responsible HEW official shall be no later than 14 days after the notice by

the responsible HEW official was mailed. A copy of this subpart and subpart A shall be included with the notice mailed by the responsible HEW official to the parties so that they may inform themselves of the nature of the written material to be submitted, the opportunity for written rebuttal, the issues that are involved in the appeal, and the remedies available.

(b) The appellant shall submit the following materials in writing to the responsible HEW official:

(1) Copies of the material it submitted to the grantee in, and in connection with, its application.

(2) A description of, or copies of, any communications, written or oral, between the appellant and the grantee during the 30 day period.

(3) Any other facts and circumstances which the appellant believes to be relevant to its appeal.

(c) The grantee shall submit the following materials in writing to the responsible HEW official:

(1) A description of, or copies of, any communications, written or oral, between the appellant and the grantee during the 30 day period.

(2) Any other facts and circumstances which the grantee believes to be relevant.

§ 1303.18 Decision on appeal.

(a) The responsible HEW official may designate a person to review the written material and make a written recommended decision. The final decision will be made by the responsible HEW official no later than 14 days after receipt of written material.

(b) The person, if any, designated to review the written material and make a recommended decision or the responsible HEW official may ask either or both parties to submit additional written material. A copy of any such request shall be furnished to each party, and each party shall furnish a copy of any such additional written material to the other party.

(c) The recommended and final decisions will be based upon the written record resulting from the material submitted by the parties. The final decision of the responsible HEW official will be transmitted, in writing, immediately to the appellant and the grantee.

§ 1303.19 Remedies.

The responsible HEW official will remand the application to the grantee for prompt consideration and decision in accordance with the criteria, other than failure to comply with paragraph (c), § 1303.10, set forth in § 1303.12 (a) and

(b) for decision on the appeal. The grantee shall report its decision and the reasons therefor in writing to the responsible HEW official within 10 days after the date of the remand. The responsible HEW official may request additional information from either party if he deems it necessary to a decision. If the responsible HEW official finds that the grantee gave fair consideration to the application on remand and that its decision has a rational basis, the appeal shall be dismissed. If the responsible HEW official finds that the grantee failed to give fair consideration to the application on remand and that its decision does not have a rational basis, or if the grantee fails to act within the 10 days, the responsible HEW official may entertain an application by the appellant for a direct grant. If such an application is approved, there will be a commensurate reduction in the level of funding of the grantee and whatever other action the responsible HEW official deems appropriate in the circumstances. If such an application is not approved, the responsible HEW official will take whatever action he deems appropriate in the circumstances.

Subpart C—Denial of Grantee's Application for Refunding

§ 1303.20 Denial of refunding.

A grantee's application for refunding may be denied by the responsible HEW official for circumstances related to the particular grant such as ineffective or improper use of Federal funds or for failure to comply with applicable law, regulations, terms and conditions, or, in accordance with Part 1302 of this chapter, upon selection by the responsible HEW official of another applicant or loss by the grantee of legal status or financial viability. Such denial shall be pursuant to reasonable notice and opportunity for a full and fair hearing.

§ 1303.21 Notice of intended denial and opportunity for hearing to show cause.

When an intention to deny a grantee's application for refunding is arrived at on the basis to which this subpart applies, the responsible HEW official will provide the grantee as much advance notice thereof as is reasonably possible, in no event later than 30 days after the receipt by ACYF of the application. The notice will inform the grantee that the grantee has the opportunity for a full and fair hearing on whether refunding should be denied. If the grantee wants such a hearing the grantee shall request it in writing within a period of time specified in the notice which is not less

than 10 days from the date of sending the notice. The responsible HEW official immediately will transmit a copy of the request to the Commissioner.

§ 1303.22 Hearing to show cause. Decision on appeal and review.

(a) The hearing will be scheduled by the responsible HEW official for the earliest practicable date, but not later than 30 days after the grantee's request. Consideration shall be given by the responsible HEW official to a request by a grantee to advance or postpone the scheduled date of a hearing. The hearing shall afford the grantee a full and fair opportunity to demonstrate why the application for refunding should not be denied. ACYF will have the burden of justifying the proposed action to deny refunding. However, if the basis of the proposed denial of refunding is the failure of the grantee to take action required by law, regulation, or other requirement specified in § 1303.20, or the alleged loss of legal status or financial viability, the grantee shall have the burden of proving that such action was timely taken, or that it has legal status or financial viability. Where the issues otherwise relate to the selection of another applicant by the responsible HEW official in accordance with Part 1302 of this Chapter, ACYF will have the burden of justifying the selection of the other applicant.

(b) A grantee may waive a hearing and submit written information and argument for the record. Such material shall be submitted to the responsible HEW official within a reasonable period of time to be fixed by him upon the request of the grantee. The failure of a grantee to request a hearing, or to appear at a hearing for which a date had been set, unless excused for good cause, shall be deemed a waiver of the right to a hearing and consent to the making of a decision on the basis of such information as is then in the possession of ACYF including the allegations contained in the notice of intention to deny refunding.

(c) The responsible HEW official may attempt, either personally or through a representative, to resolve the issues in dispute by informal means prior to the hearing.

§ 1303.23 Time and place of hearing.

The hearing shall be held in the appropriate regional office or the place where the grantee is located, at a time and place fixed by the responsible HEW official unless he determines that the convenience of ACYF, or of the parties or their representatives, requires that another place be selected.

§ 1303.24 Conduct of hearing.

(a) The presiding officer at the hearing shall be a person who is an administrative law judge appointed under 5 U.S.C. 3105 or who has served as such an administrative law judge, or, if the Commissioner is unable to make a timely designation of either of such persons as presiding officer, a person deemed qualified by the Commissioner who was not directly involved in the action under review. In any event the Commissioner will designate the presiding officer as promptly as possible.

(b) The presiding officer shall conduct the hearing in accordance with all the provisions of § 1303.35 of Subpart D except that "notice of termination" or "termination" wherever such terms appear therein shall read "notice of denial of refunding" or "denial of refunding" as the context requires.

§ 1303.25 Initial decision, exceptions, final decision and review.

(a) The decision of the presiding official shall set forth his findings of fact, and conclusions, and shall state whether he has accepted or rejected each proposed finding of fact and conclusion submitted by the parties. Findings of fact shall be based only upon evidence submitted to the presiding officer and matters of which official notice has been taken. The decision shall also specify the requirements with which it is found that the grantee has failed to comply, if any: the ways in which the grantee has ineffectively or improperly used Federal funds, if any; or the bases for justifying, or the absence of justification for, the selection of another applicant. The decision shall be made within 14 days after the conclusion of the hearing and mailed promptly to all parties.

(b) The decision of the presiding officer may provide for continued financial assistance to the grantee and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act.

(c) The decision of the presiding officer shall be an initial decision. Any party may, within 20 days of the mailing of such initial decision, or such longer period of time as the presiding officer specifies, file with the responsible HEW official his exceptions to the initial decision and any supporting brief or statement. Upon the filing of such exceptions, the responsible HEW official will, within 20 days of the mailing of the exceptions, review the initial decision and issue his final decision in the matter, including the

reasons therefor. The decision of the responsible HEW official may increase, modify, approve, vacate, or mitigate any terms, conditions, or other provisions imposed in the initial decision or may remand the matter to the presiding officer for further hearing or consideration.

(d) Whenever a hearing is waived, a final decision will be made by the responsible HEW official and a written copy will be given to the grantee.

(e) The grantee may request the Commissioner to review a final decision by the responsible HEW official which provides for the denial of refunding. Such a request must be made in writing within 15 days after the grantee has been notified of the decision in question and must state in detail the reasons for seeking the review. In the event the grantee requests such a review, the Commissioner or his designee will consider the reasons stated by the grantee for seeking the review and will sustain or overrule the final decision of the responsible HEW official or remand the matter to the responsible HEW official for further hearing or consideration. During the course of his review the Commissioner or his designee may, but is not required to, hold a hearing or allow the filing of briefs and arguments. The final decision by the Commissioner will be made not later than 30 days after receipt of the request for review.

(f) If without fault on the part of the grantee its operating funds are exhausted before a final decision has been reached on whether its application for refunding will be denied, ACYF will furnish sufficient funds to the grantee to maintain its current level of operations until such final decision is made.

§ 1303.26 Modification of procedures by consent.

In any proceeding under this subpart the responsible HEW official may alter, eliminate or modify any of the procedural provisions of this subpart, with the written consent of the grantee.

Subpart D—Suspension and Termination of Financial Assistance to Grantees

§ 1303.30 Purpose.

(a) This subpart establishes rules and procedures for the suspension and termination of financial assistance under the Act, for the failure of a grantee to comply with applicable laws, regulations, guidelines, standards, instructions, assurances, terms and conditions, or, in accordance with Part 1302 of this chapter, upon loss by the

grantee of legal status or financial viability.

(b) This subpart does not apply to any administrative action based upon any violation, or alleged violation, of title VI of the Civil Rights Act of 1964.

§ 1303.31 Suspension on notice and opportunity to show cause.

(a) The responsible HEW official may suspend financial assistance to a grantee in whole or in part for breach or threatened breach of any requirement stated in § 1303.30 pursuant to notice and opportunity to show cause why assistance should not be suspended. However, in emergency cases where the responsible HEW official determines summary action is appropriate, the alternative summary procedures of § 1303.32 will be followed.

(b) The responsible HEW official will notify the grantee by registered or certified mail or by telegram that ACYF intends to suspend financial assistance, in whole or in part, unless good cause is shown why such action should not be taken. The notice will include:

- (1) The grounds for the proposed suspension;
- (2) The effective date of the proposed suspension;
- (3) Information that the grantee has the opportunity to submit written material in opposition to the intended suspension and to meet informally with the responsible HEW official regarding the intended suspension;
- (4) Information that the written material must be submitted to the responsible HEW official at least 7 days prior to the effective date of the proposed suspension and that a request for an informal meeting must be made in writing to the responsible HEW official no later than 7 days after the day the notice of intention to suspend was mailed to the grantee;
- (5) Invitation to correct the deficiency by voluntary action; and
- (6) A copy of this subpart.

(c) If the grantee requests an informal meeting, the responsible HEW official will fix a time and place for the meeting which will not be less than 7 days after the grantee's request is received by ACYF.

(d) The responsible HEW official may on his own initiative establish a time and place for a meeting. In no event will such meeting be scheduled less than 7 days after the notice of intention to suspend was sent to the grantee.

(e) The responsible HEW official may in his discretion extend the period of time or date for making requests or submitting material by the grantee and

will notify the grantee of any such extension.

(f) At the time the responsible HEW official sends the notice of intention to suspend financial assistance to the grantee, he will send a copy of it to any delegate agency whose activities or failures to act are a substantial cause of the proposed suspension, and will inform such delegate agency that it is entitled to submit written material in opposition to the intended suspension and to participate in the informal meeting with the responsible HEW official if one is held. In addition, the responsible HEW official may give such notice to any other Head Start delegate agency of the grantee.

(g) Within 3 days of receipt of the notice of intention to suspend financial assistance, the grantee shall send a copy of such notice and a copy of this subpart to all delegate agencies which would be financially affected by the proposed suspension action. Any delegate agency that wishes to submit written material may do so within the time stated in the notice. Any delegate agency that wishes to participate in the informal meeting regarding the intended suspension, if not otherwise afforded a right to participate, may request permission to do so from the responsible HEW official, who may grant or deny such permission. In acting upon any such request from a delegate agency, the responsible HEW official will take into account the effect of the proposed suspension on the particular delegate agency, the extent to which the meeting would become unduly complicated as a result of granting such permission, and the extent to which the interests of the delegate agency requesting such permission appear to be adequately represented by other participants.

(h) The responsible HEW official will consider any timely material presented to him in writing, any material presented to him during the course of the informal meeting as well as any showing that the grantee has adequately corrected the deficiency which led to the suspension proceedings. The decision of the responsible HEW official will be made within 5 days after the conclusion of the informal meeting. If the responsible HEW official concludes that the grantee has failed to show cause why financial assistance should not be suspended, he may suspend financial assistance in whole or in part and under such terms and conditions as he specifies.

(i) Notice of such suspension will be promptly transmitted to the grantee by registered or certified mail and shall become effective upon delivery. Suspension shall not exceed 28 days

unless the responsible HEW official and the grantee agree to a continuation of the suspension for an additional period of time. If termination proceedings are initiated in accordance with § 1303.33, the suspension of financial assistance will be rescinded.

(j) New obligations incurred by the grantee during the suspension period will not be allowed unless the granting agency expressly authorizes them in the notice of suspension or an amendment to it. Necessary and otherwise allowable costs which the grantee could not reasonably avoid during the suspension period will be allowed if they result from obligations properly incurred by the grantee before the effective date of the suspension and not in anticipation of suspension or termination. At the discretion of the granting agency, third-party in-kind contributions applicable to the suspension period may be allowed in satisfaction of cost sharing or matching requirements.

Note.—Willful misapplication of funds may violate section 301 of the Economic Opportunity Amendments of 1967 (42 U.S.C. 2703), or other criminal statutes.

(k) The responsible HEW official may modify the terms, condition and nature of the suspension or rescind the suspension action at any time on his own initiative or upon a showing satisfactory to him that the grantee has adequately corrected the deficiency which led to the suspension and that repetition is not threatened. Suspension partly or fully rescinded may, in the discretion of the responsible HEW official, be reimposed with or without further proceedings, except that the total time of suspension may not exceed 28 days unless termination proceedings are initiated in accordance with § 1303.33 or unless the responsible HEW official and the grantee agree to continuation of the suspension for an additional period of time. If termination proceedings are initiated, the suspension of financial assistance will be rescinded.

§ 1303.32 Summary suspension and opportunity to show cause.

(a) The responsible HEW official may suspend financial assistance without prior notice and opportunity to show cause if he determines that immediate suspension is necessary because of a serious risk of:

(1) Substantial injury to or loss of project funds or property, or

(2) Violation of a Federal, State, or local criminal statute, or

(3) Violation of section 576(b) of the Act or of ACYF directive implementing that section of the Act, and that such

risk is sufficiently serious to outweigh the general policy in favor of advance notice and opportunity to show cause.

(b) The notice of summary suspension will be given to the grantee by registered or certified mail or by telegram and shall become effective upon delivery. The notice will include the following items:

(1) The effective date of the suspension.

(2) The grounds for the suspension.

(3) The extent of terms and conditions of any partial suspension.

(4) A statement forbidding the grantee to make any new expenditures or incur any new obligations in connection with the suspended portion of the program.

(5) A statement advising the grantee that it has an opportunity to show cause why the suspension should be rescinded.

(c) If the grantee requests in writing the opportunity to show cause why the suspension should be rescinded, the responsible HEW official will fix a time and place for an informal meeting for this purpose. This meeting will be held within 7 days after the grantee's request is received by ACYF. Notwithstanding the provisions of this paragraph, the responsible HEW official may proceed to initiate termination proceedings at any time even though financial assistance to the grantee has been suspended in whole or in part. In the event that termination proceedings are initiated, the responsible HEW official will rescind the suspension pending the outcome of the termination proceedings.

(d) Notices of summary suspension shall also be furnished by the responsible HEW official and by the grantee to delegate agencies in the same manner as notices of intent to suspend as set forth in § 1303.32 (f) and (g). Delegate agencies shall have the right to participate in the informal meeting as set forth in said paragraphs.

(e) The effective period of a summary suspension of financial assistance may not exceed 10 days unless termination proceedings are initiated in accordance with § 1303.33 or unless the parties agree to a continuation of summary suspension for an additional period of time, or unless the grantee, in accordance with paragraph (c) of this section, requests an opportunity to show cause why the summary suspension should be rescinded.

(f) If the grantee requests an opportunity to show cause why a summary suspension should be rescinded, the suspension of financial assistance shall continue in effect until the grantee has been afforded such opportunity and a decision has been made by the responsible HEW official.

Such a decision will be made within 5 days after the conclusion of the informal meeting with the responsible HEW official. If the responsible HEW official concludes, after considering the information elicited at the informal meeting, that the grantee has failed to show cause why the suspension should be rescinded, the responsible HEW official may continue the suspension in effect for an additional 7 days.

(g) The provisions of § 1303.31(j) with respect to expenditures during a period of suspension are applicable to summary suspensions.

§ 1303.33 Termination and hearing.

(a) The responsible HEW official may terminate financial assistance to a grantee in whole or in part for failure to comply with any requirement or for loss of legal status or financial viability as stated in § 1303.30 whether or not such financial assistance has been suspended. Such termination will be pursuant to reasonable notice and the opportunity for a full and fair hearing. If financial assistance has been suspended, the suspension will be rescinded upon initiation of termination proceedings.

(b) If the responsible HEW official believes that alleged noncompliance with any requirement stated in § 1303.30 is serious enough to warrant termination of financial assistance, whether or not financial assistance has been suspended, he will so notify the grantee by registered or certified mail or telegram. The notice will include:

(1) A statement that there are grounds which justify the proposed termination and that sets forth the specific reasons therefor;

(2) If the activities of a delegate agency are the bases, in whole or in part, for the reasons for the proposed termination, the identity of the delegate agency;

(3) Information that the matter has been set down for hearing at a stated time and place or that the grantee has a right to request a hearing in writing within a period of time, specified in the notice which is not later than 10 days from the date of sending notice.

(c) The responsible HEW official immediately will transmit a copy of the grantee's request for a hearing to the Commissioner.

(d) The termination hearing will be scheduled by the responsible HEW official for the earliest practicable date, but not later than 30 days after the grantee's request. Consideration shall be given by the responsible HEW official to a request by a grantee to advance or postpone the scheduled date of a

hearing. The hearing shall afford the grantee a full and fair opportunity to demonstrate that it is in compliance with all applicable laws, regulations, and other requirements specified in § 1303.30. ACYF will have the burden of justifying the proposed termination action. However, if the basis of the proposed termination is the failure of a grantee to take action required by law, regulation, or other requirement specified in § 1303.30, the grantee shall have the burden of proving that such action was timely taken.

(e) If a grantee requests a hearing, it shall send a copy of its request to all delegate agencies which would be financially affected by the termination of assistance and to each delegate agency identified in the notice. The copies of the request shall be sent to these delegate agencies at the same time the grantee's request is made to ACYF. The grantee shall promptly send ACYF a list of the delegate agencies to which it has sent the copies and the date on which they were sent.

(f) If the responsible HEW official informs a grantee that a proposed termination action has been set down for hearing, the grantee shall within 5 days of its receipt of this notice send a copy of it to all delegate agencies which would be financially affected by the termination and to each delegate agency identified in the notice. The grantee shall send the responsible HEW official a list of all delegate agencies notified and the date of notification.

(g) If the responsible HEW official has initiated termination proceedings because of the activities of a delegate agency, that delegate agency may participate in the hearing as a matter of right. Any other delegate agency, person, agency or organization that wishes to participate in the hearing may, in accordance with § 1303.35, request permission to do so from the presiding officer of the hearing. Such participation shall not, without the consent of ACYF and the grantee, alter the time limitations for the delivery of papers or other procedures set forth in this section.

(h) The results of the proceeding and any measure taken thereafter by ACYF pursuant to this part shall be fully binding upon the grantee and all its delegate agencies whether or not they actually participated in the hearing.

(i) A grantee may waive a hearing and submit written information and argument for the record. Such material shall be submitted to the responsible HEW official within a reasonable period of time to be fixed by him upon the request of the grantee. The failure of a

grantee to request a hearing, or to appear at a hearing for which a date had been set, unless excused for good cause, shall be deemed a waiver of the right to a hearing and consent to the making of a decision on the basis of such information as is then in the possession of ACYF including the allegations contained in the notice of termination.

(j) The responsible HEW official may attempt, either personally or through a representative, to resolve the issues in dispute by informal means prior to the hearing.

§ 1303.34 Time and place of hearing.

The termination hearing shall be held in Washington, D.C., or in the appropriate regional office, at a time and place fixed by the responsible HEW official unless he determines that the convenience of ACYF, or of the parties or their representatives, requires that another place be selected.

§ 1303.35 Conduct of hearing.

The presiding officer at the hearing shall be a person who is an administrative law judge appointed under 5 U.S.C. 3105 or who has served as such an administrative law judge, or, if the Commissioner is unable to make a timely designation of either of such persons as presiding officer, a person deemed qualified by the Commissioner who was not directly involved in the action under review. In any event the Commissioner will designate the presiding officer as promptly as possible.

(a) The presiding officer shall conduct a full and fair hearing, avoid delay, maintain order, and make a sufficient record for a full and true disclosure of the facts and issues. To accomplish these ends, the presiding officer shall have all powers authorized by law, and he may make all procedural and evidentiary rulings necessary for the conduct of the hearing. The hearing shall be open to the public unless the presiding officer for good cause shown otherwise determines.

(b) After the notice described in paragraph (i) of this section is filed with the presiding officer, he shall not consult any person or party on a fact in issue unless on notice and opportunity for all parties to participate. However, in performing his functions under this part the presiding officer may use the assistance and advice of an attorney, designated by the General Counsel of the Department of Health, Education, and Welfare, who has not represented ACYF or any other party or otherwise participated in a proceeding,

recommendation, or decision in the particular matter.

(c) Both ACYF and the grantee are entitled to present their case by oral or documentary evidence, to submit rebuttal evidence and to conduct such examination and cross-examination as may be required for a full and true disclosure of all facts bearing on the issues. The issues shall be those stated in the notice required to be filed by paragraph (i) of this section, those stipulated in a prehearing conference or those agreed to by the parties.

(d) In addition to ACYF, the grantee, and any delegate agencies which have a right to appear, the presiding officer in his discretion may permit the participation in the proceedings of such persons or organizations as he deems necessary for a proper determination of the issues involved. Such participation may be limited to those issues or activities which the presiding officer believes will meet the needs of the proceeding, and may be limited to the filing of written material.

(e) Any person or organization that wishes to participate in a proceeding may apply for permission to do so from the presiding officer. This application, which shall be made as soon as possible after the notice of termination has been received by the grantee, shall state the applicant's interest in the proceeding, the evidence or arguments the applicant intends to contribute, and the necessity for the introduction of such evidence or arguments.

(f) The presiding officer shall permit or deny such participation and shall give notice of his decision to the applicant, the grantee, and ACYF, and, in the case of denial, a brief statement of the reasons therefor. Even if previously denied, the presiding officer may subsequently permit such participation if, in his opinion, it is warranted by subsequent circumstances. If participation is granted, the presiding officer shall notify all parties of that fact and may, in appropriate cases, include in the notification a brief statement of the issues as to which participation is permitted.

(g) Permission to participate to any extent is not a recognition that the participant has any interest which may be adversely affected or that the participant may be aggrieved by any decision, but is allowed solely for the aid and information of the presiding officer.

(h) All papers and documents which are required to be filed shall be filed with the presiding officer. Prior to filing, copies shall be sent to the other parties.

(i) The responsible HEW official will send the grantee and any other party a notice which states the time, place, nature of the hearing, and the legal authority and jurisdiction under which the hearing is to be held. The notice will also identify with reasonable specificity the facts relied on as justifying termination and the ACYF requirements which it is alleged the grantee has violated. The notice will be served and filed not later than 10 days prior to the hearing.

(j) The grantee and any other party which has a right or has been granted permission to participate in the hearing shall give written confirmation to ACYF and the presiding officer of its intention to appear at the hearing 3 days before it is scheduled to occur. Failure to do so may, at the discretion of the presiding officer, be deemed a waiver of the right to a hearing.

(k) All papers and documents filed or sent to a party shall be signed by the appropriate party or his authorized representative. The date on which papers are filed shall be the day on which the papers or documents are deposited, postage prepaid in the U.S. mail, or are delivered in person, except that the effective date of the notice that there appear to be grounds which warrant terminating financial assistance shall be the date of its delivery or attempted delivery at the grantee's last known address as reflected in the records of ACYF.

(l) Prior to the commencement of a hearing the presiding officer may, subject to the provisions of paragraph (b) of this section, require the parties to meet with him or correspond with him concerning the settlement of any matter which will expedite a quick and fair conclusion of the hearing.

(m) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but the presiding officer shall apply rules or principles designed to assure production of relevant evidence and to subject testimony to such examination and cross-examination as may be required for a full and true disclosure of the facts. The presiding officer may exclude irrelevant, immaterial, or unduly repetitious evidence. A transcript shall be made of the oral evidence and shall be made available to any participant upon payment of the prescribed costs. All documents and other evidence submitted shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues.

(n) If the presiding officer determines that the interests of justice would be

served, he may authorize the taking of depositions but only if all parties are afforded an opportunity to participate in the taking of the depositions. The party who requested the deposition shall arrange at his expense for a transcript to be made of the proceedings and shall upon request of any other party, furnish such party with a copy of the transcript.

(o) Official notice may be taken of a public document, or part thereof, such as a statute, official report, decision, opinion or published scientific data issued by any agency of the Federal Government or a State local government and such document or data may be entered on the record without further proof of authenticity. Official notice may also be taken of such matters as may be judicially noticed in the courts of the United States, or any other matter of established fact within the general knowledge of ACYF. If the decision of the presiding officer rests on official notice of a material fact not appearing in evidence, a party shall on timely request be afforded an opportunity to show the contrary.

(p) After the hearing has concluded, but before the presiding officer makes his decision, he shall afford each participant a reasonable opportunity to submit proposed findings of fact and conclusions.

§ 1303.36 Initial decision, exceptions, final decision and review.

(a) The decision of the presiding officer shall set forth his findings of fact, and conclusions, and shall state whether he has accepted or rejected each proposed finding of fact and conclusion submitted by the parties. Findings of fact shall be based only upon evidence submitted to the presiding officer and matters of which official notice has been taken. The decision shall so specify the requirements with which it is found that the grantee has failed to comply, if any. The decision shall be made within 14 days after the conclusion of the hearing and mailed promptly to all parties.

(b) The decision of the presiding officer may provide for termination of financial assistance to the grantee in whole or in part, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act.

(c) The decision of the presiding officer shall be an initial decision. Any party may, within 20 days of the mailing of such initial decision or such longer period of time as the presiding officer specifies, file with the responsible HEW official his exceptions to the initial decision and any supporting brief or statement. Upon the filing of such

exceptions, the responsible HEW official will, within 20 days of the mailing of the exceptions, review the initial decision and issue his final decision in the matter, including the reasons therefor. The decision of the responsible HEW official may increase, modify, approve, vacate, or mitigate any sanction imposed in the initial decision or may remand the matter to the presiding officer for further hearing or consideration.

(d) Whenever a hearing is waived, a final decision will be made by the responsible HEW official and a written copy will be given to the grantee.

(e) The grantee may request the Commissioner to review a final decision by the responsible HEW official which provides for the termination of financial assistance. Such a request must be made in writing within 15 days after the grantee has been notified of the decision in question and must state in detail the reasons for seeking the review. In the event the grantee requests such a review, the Commissioner or his designee will consider the reasons stated by the grantee for seeking the review and will approve, modify, vacate or mitigate any sanction imposed by the responsible HEW official or remand the matter to the responsible HEW official for further hearing or consideration. During the course of his review the Commissioner or his designee may, but is not required to, hold a hearing or allow the filing of briefs and arguments. The final decision by the Commissioner will be made no later than 30 days after receipt of the request for review.

§ 1303.37 Modification of procedures by consent.

In any proceeding under this subpart the responsible HEW official may alter, eliminate or modify any of the procedural provisions of this subpart, with the consent of the grantee and, in the case of a termination hearing, with the additional consent of all delegate agencies that have a right to participate in the hearing. Such consent must be in writing and be included in the hearing record.

4. Part 1336 is revised to read as follows:

PART 1336—NATIVE AMERICAN PROGRAMS

Subpart A—Definitions

Sec.

1336.1 Definitions.

Subpart B—Purpose of the Native American Program

1336.5 Program purpose.

Subpart C—Financial Assistance for Native American Projects

- 1336.10 Eligibility.
- 1336.11 Types of projects supported.
- 1336.12 Approval of financial assistance.

Subpart D—Training and Technical Assistance

- 1336.20 Eligibility.
- 1336.21 Types of training and technical assistance.

Subpart E—Research, Demonstration, and Pilot Projects

- 1336.30 Eligibility.
- 1336.31 Scope of research, demonstration, and pilot projects.

Subpart F—Project Evaluations

- 1336.40 Evaluation.

Subpart G—Financial Assistance Provisions

- 1336.50 General.
- 1336.51 Notification to State and Local Officials.
- 1336.52 Cost sharing and matching.
- 1336.53 Financial and administrative requirements.
- 1336.54 Appeals.

Subpart H—Indian Preference Provisions

- 1336.60 Indian preference.
- Authority: 88 Stat. 2324 (42 U.S.C. 2991).

Subpart A—Definitions**§ 1336.1 Definitions.**

For the purposes of this part, unless the context otherwise requires:

"Act" means the Native American Programs Act of 1974.

"Alaskan Native" means a person who is an Alaskan Indian (including Tsimshian Indians not enrolled in the Metlakatla Indian Community), Eskimo, or Aleut, or any combination thereof. The term also includes any person who is regarded as an Alaskan Native by the Alaskan Native village or group of which he or she claims to be a member and whose father or mother is (or, if deceased, was) regarded as an Alaskan Native by an Alaskan Native village or group. The term includes any Alaskan Native as so defined, either or both of whose adoptive parents are not Alaskan Natives.

"Alaskan Native Regional Corporation" means an Alaskan Native Regional corporation established under the laws of the State of Alaska in accordance with the provisions of the Alaska Native Claims Settlement Act (Pub. L. 92-203, December 17, 1971).

"Alaskan Native Village" means any tribe, band, clan, group, village, community, or association in Alaska listed in sections 11 and 16 of the Alaska Native Claims Settlement Act (Pub. L. 92-203, December 17, 1971), or which meets the requirements of that Act, and

which the Secretary of the Interior determines was, on the 1970 census enumeration date (as shown by the census or other evidence satisfactory to the Secretary of the Interior, who shall make findings of fact in each instance), composed of twenty-five or more Natives.

"American Indian or Indian" means any individual who is a member or a descendant of a member of a North American tribe, band, or other organized group of native people who are indigenous to the continental United States or who otherwise have a special relationship with the United States or a State through treaty, agreement, or some other form of recognition. This includes any individual who claims to be an Indian and who is regarded as such by the Indian community in which he or she lives or by the Indian community of which he or she claims to be a part. This definition also includes Alaskan Natives.

"ANA" means the Administration for Native Americans within the Office of Human Development Services.

"Budget period" means the interval of time, into which a multi-year period of assistance (project period) is divided for budgetary and funding purposes.

"Community" or "Service area" means an Indian reservation, neighborhood or other area (irrespective of boundaries or political subdivisions) which provides a suitable organizational base and possesses the commonality of interest needed to provide services to a designated constituency pursuant to this part.

"Economic and social self-sufficiency" means the capacity of Native Americans to define and achieve their own economic and social goals.

"Economic development" means the process involving the achievement of specific objectives, usually through the implementation of appropriate programs and projects, which results in long-term improvements in Native American economic self-sufficiency.

"Financial assistance" means assistance advanced by ANA by grant, or cooperative agreement, but does not include the procurement of plant or equipment, or goods or services.

"Governing body of an Indian tribe or Alaskan Native village" means those duly elected or appointed representatives who have the authority to provide services to, and enter into contracts and financial assistance agreements on behalf of, their constituency.

"Hawaiian homestead" means that land which was set aside for the particular and exclusive use of Native

Hawaiians by the Hawaiian Home Commission Act (42 Stat. 108, July 9, 1921).

"HDS" means the Office of Human Development Services within the Department of Health, Education, and Welfare.

"Indian organization" means a public or private nonprofit agency whose principal purpose is promoting the economic or social self-sufficiency of Indians in urban or rural non-reservation areas, the majority of whose governing board and membership is Indian.

"Indian reservation" means the reservation of any federally or State recognized Indian tribe, including any band, nation, pueblo, or rancharia, any former reservation in Oklahoma, any community or non-trust land under the jurisdiction of an Indian tribe, including a band, nation, pueblo, or rancharia, with allotted lands or lands subject to a restriction against alienation imposed by the United States or a State.

"Indian tribe" means a distinct political community of Indians which exercises powers of self-government.

"Major disaster" means any hurricane, tornado, storm, flood, highwater, wind-driven water, tidal wave, earthquake, drought, fire, accident, or other catastrophe which is of such severity and magnitude as to directly affect the capability of the grantee, providing services to the damaged community, to continue the program unless the Federal share of the approved costs is increased above 80 percent.

"Native American" means American Indian, Native Hawaiian, and Alaskan Native, as defined in this subpart.

"Native Hawaiian" means any individual, any of whose ancestors were, prior to 1778, natives of the area which consists of the Hawaiian Islands.

"Open and public election" means an election conducted in accordance with the election procedures as set forth in the organization's constitution and/or by-laws, providing that such procedures ensure wide community participation as well as participation from all members of the community who wish to participate in the elective process. There can be no fee or payment required for participation. This includes the payment of membership dues as a prerequisite for voting.

"Responsible HEW official" means the official of the Department of Health, Education, and Welfare authorized to award the financial assistance in question, or his designee.

"Secretary" means the Secretary of Health, Education, and Welfare or his designee.

"Urban Indian center" means a multi-purpose nonprofit private agency which provides outreach and referral services as well as a variety of social services to an urban Indian community, and whose governing body is comprised of representatives, a majority of whom are Indian, who have been duly elected by means of an open and public election, and who have the authority to provide services to, and enter into contracts and financial assistance agreements on behalf of the urban Indian constituency.

Subpart B—Purpose of the Native American Program

§ 1336.5 Program purpose.

The purpose of this part is to promote the goal of economic and social self-sufficiency for Native Americans.

Subpart C—Financial Assistance for Native American Projects

§ 1336.10 Eligibility.

Financial assistance under this subpart may be made to public and private nonprofit agencies, including but not limited to, governing bodies of Indian tribes on Federal and States reservations, Alaskan Native Villages and regional corporations established by the Alaska Native Claims Settlement Act, and such public and nonprofit agencies serving Native Hawaiians, and Indian organizations in urban or rural non-reservation areas.

§ 1336.11 Types of projects supported.

Financial assistance will be provided to those applicants whose proposed program goals and objectives are to promote the economic and social self-sufficiency of Native Americans. Financial assistance under this subpart will include, but is not limited to, projects which:

- (a) Support community economic development;
- (b) Support locally determined human service priorities which would not otherwise be provided;
- (c) Support the operation of urban Indian centers for Native Americans living off reservations; and
- (d) Strengthen the administrative capacities of governing bodies of Native American tribes, groups, and organizations, particularly with regard to planning and management.

§ 1336.12 Approval of financial assistance.

In approving proposals for financial assistance under this subpart

consideration will be given to the extent to which proposals focus on priorities consistent with the following ANA long range goals:

(a) To develop the capacity of Native American governing bodies and organizations to use and focus on planning as the basic method to improve resource allocations and effectiveness of services in Native American communities;

(b) To achieve the development of the necessary social and economic infrastructure in Native American communities to increase self-sufficiency; and

(c) To eliminate, through Native American institutions, the most critical gaps in the range of human development services necessary for self-sufficiency including, but not limited to social services, training and education.

Subpart D—Training and Technical Assistance

§ 1336.20 Eligibility.

(a) Contracts for technical assistance to aid in developing, conducting, and administering projects under this part may be made to public and private agencies.

(b) Short-term in-service training for specialized or other personnel may be provided by contract to agencies receiving financial assistance under this part.

§ 1336.21 Types of training and technical assistance.

(a) Contracts for training and technical assistance will be awarded for the purposes of providing management assistance and program assistance.

(1) Contracts to provide management assistance will have as their overall objective strengthening the capabilities of Native Americans to exercise self-government. Such capacity-building efforts will include assistance in planning, management, and organizational development.

(2) Contracts to provide program assistance will be of a general support nature and will include, but are not limited to, assistance in program evaluation, fiscal and administrative management, and resource mobilization.

(b) Management assistance and program assistance may include short-term in-service training for employees of grantees and members of Indian governing bodies, such as tribal council members and Native American organization board members.

Subpart E—Research, Demonstration, and Pilot Projects

§ 1336.30 Eligibility.

Under this subpart, financial assistance may be provided to, or contracts may be made with, public or private nonprofit agencies including, but not limited to, governing bodies of Indian tribes on Federal and State reservations, Alaskan Native villages and regional corporations established by the Alaska Native Claims Settlement Act, and such public and nonprofit private agencies serving Native Hawaiians, and Indian organizations in urban or rural non-reservation areas.

§ 1336.31 Scope of research, demonstration, and pilot projects.

(a) Financial assistance or contracts will be provided for research, demonstration, or pilot projects which are designed to test or assist in the development of new approaches or methods that will aid in overcoming special problems or otherwise furthering the purposes of this part. This may include: (1) Research activities designed to generate demographic and program impact data and to identify and resolve problems which hinder the attainment of social and economic self-sufficiency by Native Americans; and (2) pilot or demonstration efforts designed to test innovative methods to meet and solve problems related to the purposes of this part and to encourage the delivery of human development services to Native Americans.

Subpart F—Project Evaluations

§ 1336.40 Evaluation.

(a) The Secretary shall provide, directly or through financial assistance or contracts, for the evaluation of projects assisted under this part. Such evaluations shall describe and measure the impact of such projects and their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such projects.

(b) In carrying out evaluations of projects supported under this part, the specific views of persons participating in and served by such projects will be solicited, where feasible. All studies, evaluations, proposals, and data produced or developed with assistance under this part shall become the property of the United States.

(c) Interim standards for the evaluation of program and project effectiveness in achieving the objectives of this part were published on July 2, 1975, in the Federal Register (40 FR 27961). According to Section 810(b) of the Act, the extent to which these standards have been met shall be considered by the Secretary in deciding whether to renew or supplement financial assistance under this part. All recipients shall provide the Secretary with information deemed necessary to determine the extent to which they are complying with these standards. When final standards for the evaluation of program and project effectiveness are published in the Federal Register, the extent to which these final standards have been met shall be considered by the Secretary in deciding whether to renew or supplement financial assistance. All recipients shall provide the Secretary with information deemed necessary to determine the extent to which they are complying with these standards.

Subpart G—Financial Assistance Provisions

§ 1336.50 General.

(a) Except as specified in paragraph (b) of this section, the following HEW regulations shall apply to all grants awarded under this part:

45 CFR Part 16 Department grant appeals process (except as provided in § 1336.54).

45 CFR Part 46 Protection of human subjects.

45 CFR Part 74 Administration of grants.

45 CFR Part 75 Informal grant appeals procedures (indirect cost rates and other cost allocations).

45 CFR Part 80 Nondiscrimination under programs receiving Federal assistance through the Department of Health, Education, and Welfare—Effectuation of Title VI of the Civil Rights Act of 1964.

45 CFR Part 81 Practice and procedure for hearings under Part 80.

45 CFR Part 84 Nondiscrimination on the basis of handicap in Federally assisted programs.

(b) 45 CFR § 74.61(h) is superseded as follows:

(1) *Audit requirements*—(i) *General*. An annual project audit shall be made by an independent auditor to determine whether the financial statements fairly present the financial position of the recipient; whether the recipient is complying with the terms and conditions of the grant, including applicable laws, regulations, and directives; and whether appropriate financial and administrative procedures and controls have been installed and are operating effectively.

(ii) *Audit coverage*. The audit shall cover the recipient's prior budget period, unless the responsible HEW official has approved in writing a different audit period.

(iii) *Submission of report*. The auditor shall submit its audit to the recipient within four months after the end of the budget period. HDS financial assistance funds may not be used to pay for more than one audit annually, except in instances when the responsible HEW official requests in writing additional audits.

(iv) *Delegate agencies*. The recipient shall include delegate agency audits as part of its annual audit or shall provide for separate independent audits for its delegate agencies.

(2) *Independent auditor*. The annual project audit shall be conducted by individuals who are sufficiently independent of those persons who authorize the expenditure of financial assistance funds in order that unbiased opinions, conclusions, or judgments may be obtained. Generally, an independent public accountant, certified or licensed by a regulatory authority of a State or other political subdivision of the United States, will be retained. If the recipient is a State or local government agency, or if its accounting records are maintained by a local government or public agency, the auditing official or official governmental auditing agency which customarily conducts the agency's audits may be substituted for an independent auditor.

§ 1336.51 Notification to State and local officials.

(a) Financial assistance will not be provided under Subparts C and E of this part for programs to be carried out in a State, other than on an Indian reservation or Alaskan Native village or Hawaiian Homestead, until the responsible HEW official has notified the chief executive officer of the State of his decision to provide that assistance.

(b) Financial assistance will not be provided under Subparts C and E of this part for programs to be carried out in a city, county, or other major political subdivision of a State, other than on an Indian reservation, Alaskan Native village, or Hawaiian Homestead, until the responsible HEW official has notified the local governing officials of his decision to provide that assistance.

§ 1336.52 Cost sharing and matching.

(a) Federal financial assistance shall not exceed 80 percent of the approved cost of the assisted project except as provided in § 1336.52(b).

(b) Increase in Federal financial participation.

(1) *Eligibility and application*. (i) A recipient is eligible to apply in writing to the responsible HEW official to have the Federal share increased above 80 percent if that recipient is in a community which meets at least one of the following three conditions: (A) The community has a per capita income of less than \$1500 per year based on data from the current U.S. Census of Population or any more recent reliable source of annual per capita income data; (B) the community has been involved in a major disaster; (C) the community can document its inability to mobilize local, State, or private resources to satisfy the nonfederal share requirement.

(ii) In those cases where either (i) (A) or (B) applies, the recipient's application to have the Federal share increased above 80 percent shall provide: (A) The annual per capita income of the community and the basis on which it was determined, or a statement of the belief that the community has been involved in a major disaster, and an explanation of the nature and extent of the major disaster; (B) a statement that the level of the annual per capita income of the community, or the major disaster, does not allow the recipient to meet the 20 percent nonfederal share; (C) a statement of the amount of the nonfederal share the recipient is able to provide; and (D) a statement that a reasonable effort to provide more nonfederal share has been unsuccessful.

(iii) In those cases where (i)(C) applies the recipient's application to have the Federal share increased above 80 percent shall provide: (A) A statement that the community is unable to mobilize local, State, or private resources to satisfy the nonfederal share requirement; (B) a statement of the amount of the nonfederal share the recipient is able to provide; (C) a statement that a reasonable effort to provide more nonfederal share has been unsuccessful; (D) copies of file documents demonstrating attempts to generate revenue from sources such as foundations, churches, and other private organizations; and (E) to the extent they are available, records of in-kind contributions, such as furniture equipment, supplies, and volunteer help to the program.

(iv) An application based upon the annual per capita income of the community, or upon the inability of the community to mobilize local, State, or private resources to satisfy the nonfederal share requirement, shall be submitted at the same time as the application for funding or refunding and

shall be with respect to the same budget period as the application. Approval shall be only for such budget period.

(v) An application based upon the involvement of the community in a major disaster shall be submitted within a reasonable time after the major disaster and may be for the remainder of the current budget period and all or part of any subsequent budget period.

(2) Decision. (i) The responsible HEW official, on the basis of the written application and any evidence in support of the application that he may require shall approve financial assistance in excess of 80 percent if it is determined that the annual per capita income of the community is less than \$1,500, that the community has been involved in a major disaster, or that the community is unable to mobilize local, State, or private resources to satisfy the nonfederal share requirement, and that such increase is required to enable the recipient to carry on the program.

(ii) The decision of the responsible HEW official shall be in writing and shall include a statement of the facts and reasons upon which it is based. Copies of the decision shall be furnished to the applicant and the Commissioner for Native Americans.

(3) The per capita income limitation enumerated in paragraph (b)(1)(i)(A) of this section shall be adjusted annually by multiplying the dollar limitation by the percentage change in the Consumer Price Index.

§ 1336.53 Financial and administrative requirements.

(a) *Maintenance of effort.* Applications for financial assistance awarded under this part shall include a statement that the activities provided under the program will be in addition to, and not in substitution for, comparable activities provided without Federal assistance.

(b) *Personnel administration*—(1) *Personnel policies and procedures.* Recipients shall adopt personnel policies and procedures which shall include at least the following: Staff qualifications; recruitment and selection; classification of positions and basis for determination of pay; employee benefits, including leave, holidays, overtime, and fringe benefits; expenses, including travel and per diem; training, career development, and performance evaluation; employee-management relations, including grievance, termination of employment, and other adverse actions; and employee conduct including outside employment, acceptance of gifts and gratuities.

(2) *Documentation of personnel policies.* The personnel policies and procedures required by paragraph (b)(1) of this section shall be documented in writing and shall be issued to, or made available to, all the recipient's employees.

(3) *Conflict of interest.* (i) Recipients shall establish or adopt rules to assure that employees or individuals participating in a program or project funded under this part shall not use their positions for a purpose that is, or gives the appearance of being, motivated by a desire for private gain for themselves, or others, particularly those with whom they have family, business, or other ties. This includes, but is not limited to, situations in which a tribal council or governing body member concurrently holds a position as a staff member paid in whole or in part with ANA financial assistance.

(ii) The responsible HEW official may waive the requirement of paragraph (b)(3)(i) of this section when there is the appearance of conflict of interest, but a recipient or delegate agency cannot otherwise adequately staff a position. Such recipient or delegate agency shall demonstrate in writing that no other individual within its community or service area is qualified and/or available for employment.

(4) *Nepotism.* (i) No recipient delegate agency shall hire, or permit the hiring of, any individual in a position funded in whole or in part under this part if a member of the individual's immediate family is employed by the recipient in an administrative capacity or is a member of the governing board. In addition, no person may serve on a governing board if a member of that individual's immediate family is concurrently serving in an administrative capacity in a position paid in whole or in part with ANA financial assistance. For the purpose of this part, the "term immediate family" means wife, husband, son, daughter, mother, father, brother, sister, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or other legal dependent; the term "administrative capacity" means a position having responsibilities relating to the selection, hiring, or supervising of employees.

(ii) The responsible HEW official may waive the requirement of paragraph (b)(4)(i) of this section when a recipient or delegate agency cannot adequately staff the positions without hiring more than one person from the same immediate family. Such recipients or delegate agencies shall demonstrate in writing that no other individuals within

its community or service area are qualified and/or available for employment.

(5) *Labor standards.* The Act makes construction contracts and subcontracts under this program subject to the Davis-Bacon Act (40 U.S.C. 276a et seq.). Recipients must observe requirements for enforcing compliance by contractors found in Subpart P of 45 CFR Part 74.)

(c) *Delegation of program operations.* A delegation of program operations to a delegate agency shall require specific prior approval by the responsible HEW official. Such delegation shall be formalized by written agreement. The agreement shall specify the activities to be performed by the delegate agency, the time schedule, the policies and procedures to be followed, the dollar limitations, and the costs allowed. A budget for each delegate agency shall be submitted as part of the recipient's application.

§ 1336.54 Appeals.

Appeals, notice and hearing. Recipients that have been suspended or terminated, or whose applications for refunding have been denied, may appeal such decisions in accordance with the provisions of Part 1303, Subparts A, C, and D, of this title except that for purposes of this part:

(a) The authority "88 Stat. 2304, (42 U.S.C. 2928h)" is eliminated and "88 Stat. 2324, (45 U.S.C. 2991h)" is substituted therefor;

(b) The citation "Section 519 of the Headstart-Follow Through Act" is eliminated and "Section 809 of the Native American Programs Act" is substituted therefor;

(c) The reference to " * * * appeals by current and prospective delegate agencies from specified adverse action by grantees * * *" in § 1303.1 is inapplicable;

(d) The term "ACYF" is eliminated and the term "ANA" is substituted therefor;

(e) The term "Commissioner" means the Commissioner for Native Americans;

(f) The term "Head Start Program" is eliminated and the term "Native American Program" is substituted therefor;

(g) The terms "current delegate agency", "prospective delegate agency", "program account", and "substantial rejection" are eliminated;

(h) The term "Headstart-Follow Through Act" is eliminated and the term "Native American Programs Act" shall be substituted therefor;

(i) The phrase "in accordance with Part 1302 of this chapter" in §§ 1303.20 and 1303.30 is eliminated; and

(j) The term "grantee" means the recipient of financial assistance from ANA under the Act and this part.

Subpart H—Indian Preference Provisions

§ 1336.60 Indian preference.

(a) As provided in section 7(b) of Pub. L. 93-638, the Indian Self-Determination and Education Assistance Act, any contract, subcontract, grant, or subgrant pursuant to the Native American Programs Act of 1974 which is for the benefit of Indians shall require that to the greatest extent feasible:

(1) Preferences and opportunities for training and employment in connection with the administration of such contracts of grants shall be given to Indians; and

(2) Preference in the award of subcontracts and subgrants in connection with the administration of such contracts or grants shall be given to Indian organizations and to Indian-owned economic enterprises as defined in Section 3 of the Indian Financing Act of 1974 (88 Stat. 77).

(b) Preference in the award of contracts for the benefit of Indians shall be given by ANA to Indian organizations and to Indian-owned economic enterprises.

Dated: April 3, 1979.

Arabella Martinez,
Assistant Secretary for Human Development Services.

Approved: April 17, 1979.

Hale Champion,
Acting Secretary.
[FR Doc. 79-12641 Filed 4-23-79; 8:45 am]
BILLING CODE 4110-92-M

FEDERAL MARITIME COMMISSION

46 CFR Part 542

Financial Responsibility for Water Pollution; Revision of Modification to Rules

AGENCY: Federal Maritime Commission.

ACTION: Revision of Modification to Rules.

SUMMARY: Part 542 of the Commission's regulations was revised on August 11, 1978, to conform to the requirements of the Federal Water Pollution Control Act as amended by the Clean Water Act of 1977. As originally issued, revised Part 542 established procedures whereby vessel operators were required to demonstrate their financial ability to meet liability to the United States for the costs of removing oil as well as other hazardous substances discharged into United States waters.

Prior to its effective date, the Commission modified revised Part 542 for the purpose of staying all provisions relating to hazardous substances until further notice. The Commission is hereby superseding and replacing that modification. Revised Part 542 will become applicable to discharges of hazardous substances upon the effective date of new Part 117 to Title 40, Code of Federal Regulations, which will be issued by the Environmental Protection Agency.

EFFECTIVE DATE: April 24, 1979.

FOR FURTHER INFORMATION CONTACT: Robert G. Drew, Director, Bureau of Certification and Licensing, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523-5840.

SUPPLEMENTARY INFORMATION: On August 11, 1978 (43 FR 35704), the Commission issued regulations (revised Part 542) to implement the Clean Water Act of 1977.¹ Those regulations concerned removal cost liability on the part of vessel operators who discharge oil and other pollutants called "hazardous substances" into United States waters.

The designation of hazardous substances and related regulations had been published by the Environmental Protection Agency (EPA) on March 13, 1978 (43 FR 10474). However, on August 4, 1978, the United States District Court for the Western District of Louisiana held that major portions of those EPA regulations were invalid. *Manufacturing Chemists Association v. Douglas M. Costle*, Civil Action No. 78-0578.²

The validity of the hazardous substances provisions encompassed in the Commission's revised Part 542 depends entirely on the validity of the EPA's regulations concerning hazardous substances. Therefore, on September 1, 1978 (43 FR 39102), the Commission stayed all aspects of the hazardous substances provisions contained in revised Part 542 until further notice. That action, however, did not have any effect upon the validity of the Commission's regulations in revised Part 542 with respect to oil, nor did it relieve vessel operators from submitting evidence of financial responsibility by using the insurance, bond, guaranty or self-insurance methods set forth in § 542.8 of the regulations, all of which

were designed to cover discharges of both oil and hazardous substances.

Two of the effects which resulted from the Commission's stay of the hazardous substances provisions in revised Part 542 were: (1) That underwriters and their assured vessel operators, even though they submitted evidence of financial responsibility as set forth in § 542.8, did not thereby assume liability for removal costs in connection with hazardous substances; and (2) non-self-propelled barges which do not carry oil as cargo or fuel but which do carry hazardous substances as cargo or fuel were temporarily relieved from the certification requirements of revised Part 542.

On February 16, 1979 (44 FR 10271), the EPA published new proposed regulations³ to replace the regulations invalidated by the Court in the above-mentioned August 1978 decision. Upon the effective date of those new EPA regulations, the hazardous substances provisions in the Commission's revised Part 542 could become effective, provided that the Commission lifts its stay of those provisions.

In its September 1, 1978, Order staying the hazardous substances provisions in revised Part 542, the Commission stated that:

The Commission will lift this stay by appropriate Order at such time as the legal impediments to the EPA's regulations under section 311 of the Act are removed. Commencing upon the effective date of the future Order which lifts this stay, all evidence of financial responsibility on file with the Commission shall automatically begin to cover liability for discharges of hazardous substances occurring on and after that effective date.

Rather than follow that course of action, i.e., not lift the stay until after the EPA's awaited regulations become effective, the Commission is of the opinion that the more appropriate action would be to hereby order the stay lifted automatically upon the effective date of the EPA's regulations in 40 CFR Part 117. By so doing, the Commission will eliminate the otherwise necessary time lag between the effective date of 40 CFR Part 117 and the lifting of the stay. Further, the affected vessel operators and underwriters will have to keep apprised of only one Federal agency's actions—the EPA's publication of the final Part 117 regulations.

The practical result of this action by the Commission is that the validity of

¹P.L. 95-217, 91 Stat. 1566. The Clean Water Act amends the Federal Water Pollution Control Act, 33 U.S.C. 1321, hereinafter referred to as the "Act."

²The Court's ruling did not invalidate the EPA's list of designated hazardous substances. However, the clear invalidation of the related provisions rendered the list void for most intents and purposes.

³Proposed Part 117 to Title 40, Code of Federal Regulations—Determination of Reportable Quantities. Due to an amendment to the Act in November 1978 (Public Law 95-570), "reportable quantities" have replaced the Act's original "harmful quantities" provisions.

the hazardous substances provisions in revised Part 542 will depend solely on the validity of the EPA's regulations. Should the EPA's regulations again be enjoined or held invalid by a court of appropriate jurisdiction, the Commission's hazardous substances provisions in revised Part 542 would be affected similarly, without the necessity of any further action or notice by the Commission.

Now, therefore, it is ordered, That, effective April 24, 1979; the Commission's Order of September 1, 1978, modifying revised Part 542 of Title 46 of the Code of Federal Regulations, is superseded and replaced by this Order; and

It is further ordered, That revised Part 542 shall become applicable to discharges of hazardous substances upon the effective date of Part 117 of title 40 of the Code of Federal Regulations, as promulgated by the Environmental Protection Agency.

By the Commission.

Francis C. Hume, Jr.,
Secretary.

[Docket No. 78-9; General Order 40]
[FR Doc. 79-12632 Filed 4-23-79; 8:45 am]
BILLING CODE 6730-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

Atlantic Groundfish Fisheries; Notice of Fishery Closure

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Notice of closure of yellowtail flounder fishery west of 69° W. longitude.

SUMMARY: This notice closes the yellowtail flounder fishery west of 69° W. longitude to all vessel classes, effective April 28, 1979. The closure was previously announced on March 16, 1979 (44 FR 16017).

DATE: The Closure is effective at 0001 hours, April 28, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. Robert H. Hanks, Acting Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930. Telephone: (617) 281-3600.

SUPPLEMENTARY INFORMATION: The notice of March 16, 1979, reopened the yellowtail flounder fishery west of 69°

W. longitude, with reduced catch limitations. The purpose of the reopening was to allow vessels in that fishery to continue fishing for yellowtail flounder during the spring, when no other species were available to them.

The notice announced that the fishery would be closed on April 28, the date when the annual optimum yield, less anticipated incidental catch, was expected to be taken. Catch statistics for March have verified that expectation. Therefore the fishery is closed, effective 0001 hours, April 28, 1979.

The closure will remain in effect until the end of the 1978-79 fishing year (September 30, 1979). During the closure, vessels are limited to an incidental catch of yellowtail flounder of 500 pounds or 4 percent by weight of all fish on board, whichever is the lesser amount, per trip.

Appendix B, revised to include this closure, is set out below.

(16 U.S.C. 1801 *et seq.*)

Signed at Washington, D.C. this 19th day of April, 1979.

Winfred H. Melbohm,
Executive Director, National Marine Fisheries Service.

APPENDIX B—CATCH LIMITATIONS (REVISED) [Effective April 28, 1979]

	Gulf of Main	Georges Bank and South
Cod (pounds/week)		
0-60 GRT	2,500	4,000
61-125 GRT	Closed April 22	9,000
Over 125 GRT	Closed Jan. 1	14,000
Fixed gear	5,000	13,000
Haddock (pounds/week)		
0-60 GRT	2,500	3,500
61-125 GRT	Closed April 22	7,000
Over 125 GRT	Closed Jan. 1	10,000
Fixed gear	8,000	8,000
Yellowtail Flounder*		
	West of 69° W.	East of 69° W.
0-60 GRT	Closed April 28	5,000
61-125 GRT	Closed April 28	5,000
Over 125 GRT	Closed April 28	5,000

*Pounds per week or trip, whichever time period is longer. A vessel may land no more than 5,000 pounds, even if it fished on both sides of the 69° W. line.

[FR Doc. 79-12727 Filed 4-23-79; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 44, No. 80

Tuesday, April 24, 1979

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

[5 CFR Part 315]

Noncompetitive Conversion of Presidential Management Interns

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management proposes to amend its regulations to provide for the noncompetitive conversion to career or career-conditional appointment of Presidential Management Interns appointed under Executive Order 12008.

DATES: Comments must be received on or before June 25, 1979.

ADDRESS: Send written comments to the Chief, Office of Staffing Policies, Examining Management Branch, Staffing Services, Office of Personnel Management, 1900 E Street, NW., Room 6526, Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Maribeth Zankowski, 202-632-6040.

Accordingly, 5 CFR 315.704 is amended by renumbering the current § 315.704 to read § 315.705 and adding a new § 315.704 as set forth below:

§ 315.704. Conversion based on service as a Presidential Management Intern.

Subject to the conditions prescribed by the Office of Personnel Management in the Federal Personnel Manual, an agency may convert noncompetitively to career or career-conditional appointment, a person who has satisfactorily completed 2 years as a Presidential Management Intern in the Presidential Management Intern Program under Executive Order 12008.

§ 315.705. Disqualifications [Renumbered from § 315.704].

* * * * *

(E.O. 12008, 42 FR 43373, 3 CFR, 1977 Comp., p. 141.)

Office of Personnel Management.

Beverly M. Jones,
Issuance System Manager,
[FR Doc. 79-12634 Filed 4-23-79; 8:45 am]
BILLING CODE 6325-01-M

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

Universal Training Service, Inc., et al.; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, subject to final approval, among other things, would require eight affiliated vocational schools, headquartered in Miami, Fla., and five corporate officers to cease misrepresenting the prospective earnings, employment opportunities and demand for graduates of their respective courses; the effectiveness of their job placement service; and the extent of job placement assistance they provide to their graduates. They would have to furnish potential customers with prescribed disclosures concerning educational and other factors considered by employers in hiring; the job success of former graduates; and contracting party's right to cancellation and refund within the provided 14-day "cooling-off" period. Additionally, the schools would be required to make restitution to former eligible students in a specified manner.

DATE: Comments must be received on or before June 25, 1979.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: S. Edward Combs, Director, 1R, Atlanta Regional Office, Federal Trade Commission, 1718 Peachtree St., N.W., Rm. 1000, Atlanta, GA. 30309. (404) 881-4836.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's

rules of practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

In the matter of Universal Training Service, Inc., a corporation, and Universal Heavy Construction Schools, Inc., a corporation, and Universal Truck Drivers School, Inc., a corporation, and Universal Airlines Personnel Schools, Inc., a corporation, and Universal Motel Schools, Inc., a corporation, and Insurance Adjusters Schools, Inc., a corporation, and Universal Diesel and Construction Mechanic Schools, Inc., a corporation, and Universal School of Heavy Equipment Operations, Inc., a corporation, and E. McSwiggan & Associates, a partnership, and Edward McSwiggan, and Edward W. McSwiggan, Jr., and Gerald W. McSwiggan, and Agnes McSwiggan, individually and as officers or directors of each of the above-listed corporations and as a partner in E. McSwiggan & Associates, and Marilyn Anne McSwiggan, individually and as an officer of each of the above-listed corporations:

The agreement herein, by and between Universal Training Service, Inc., a corporation, Universal Heavy Construction Schools, Inc., a corporation, Universal Truck Drivers School, Inc., a corporation, Universal Airlines Personnel Schools, Inc., a corporation, Universal Motel Schools, Inc., a corporation, Insurance Adjusters Schools, Inc., a corporation, Universal Diesel and Construction Mechanic Schools, Inc., a corporation, and Universal School of Heavy Equipment Operations, Inc., a corporation, by their duly authorized officers, and E. McSwiggan & Associates, a partnership, by a duly authorized partner, and Edward McSwiggan, Edward W. McSwiggan, Jr., Gerald W. McSwiggan, and Agnes McSwiggan, individually and as officers or directors of said

corporations and as partners trading and doing business as E. McSwiggan & Associates, and Marilyn Anne McSwiggan, individually and as an officer of said corporation, hereafter sometimes referred to as respondents, and their attorney, and counsel for the Federal Trade Commission is entered into in accordance with the Commission's Rules concerning consent order procedures. In accordance therewith the parties hereby agree that:

1. Respondents Universal Training Service, Inc., Universal Heavy Construction Schools, Inc., Universal Truck Drivers School, Inc., Universal Airlines Personnel Schools, Inc., Universal Motel Schools, Inc., Insurance Adjusters Schools, Inc., Universal Diesel and Construction Mechanic Schools, Inc., and Universal School of Heavy Equipment Operations, Inc., are corporations organized, existing and doing business under and by virtue of the laws of the State of Florida, and all have their principal office and place of business at 1901 N.W. Seventh Street, Miami, Florida 33125.

Respondent E. McSwiggan & Associates is a partnership with its principal office and place of business at 1901 N.W. Seventh Street, Miami, Florida 33125.

Respondent Edward McSwiggan is an individual and is a partner in E. McSwiggan & Associates and he has been an officer in each of the respondent corporations except Universal Diesel and Construction Mechanic Schools, Inc., and is now Chairman of the Board of Directors of each of the respondent corporations.

Respondents Edward W. McSwiggan, Jr., and Gerald W. McSwiggan are individuals, and each is a partner in E. McSwiggan & Associates, and each is an officer or director in all of the respondent corporations.

Respondent Agnes McSwiggan is an individual, a partner in E. McSwiggan & Associates, and has been an officer in each of the respondent corporations.

Respondent Marilyn Anne McSwiggan is, or has been, an officer of all of the respondent corporations.

The said individual respondents' addresses are the same as that of the corporate respondents.

2. Respondents have been served with a copy of the complaint issued by the Federal Trade Commission charging them with violation of Section 5 of the Federal Trade Commission Act and have filed an answer to said complaint denying said charges.

3. Respondents admit all the jurisdictional facts set forth in the

Commission's complaint in this proceeding.

4. Respondents waive:

a. Any further procedural steps;

b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

5. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with related materials pursuant to Rule 3.25(f), will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the respondents, in which event it will take such action as it may consider appropriate, or issue and serve its decision, in disposition of the proceeding. The Commission may, at any time pending issue of this order, require hearings on the relief requirements provided by this order.

6. This agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in the said copy of the complaint issued by the Commission.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 3.25(f) of the Commission's rules, the Commission may without further notice to respondents, (1) issue its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to order to respondents' address as stated in this agreement shall constitute service. Respondents waive any right they might have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or in the

agreement may be used to vary or to contradict the terms of the order.

8. Respondents have read the complaint and the order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

ORDER

Part I

It is ordered that respondents Universal Training Service, Inc., a corporation, Universal Heavy Construction Schools, Inc., a corporation, Universal Truck Drivers School, Inc., a corporation, Universal Airlines Personnel Schools, Inc., a corporation, Universal Motel Schools, Inc., a corporation, Insurance Adjusters Schools, Inc., a corporation, Universal Diesel and Construction Mechanic Schools, Inc., a corporation, and Universal School of Heavy Equipment Operations, Inc., a corporation, their successors and assigns and their officers, E. McSwiggan & Associates, a partnership, Edward McSwiggan, Edward W. McSwiggan, Jr., Gerald W. McSwiggan and Agnes McSwiggan, individually, as officers or directors of said corporations, and as partners trading and doing business as E. McSwiggan & Associates, and Marilyn Anne McSwiggan, individually and as an officer of said corporations, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device in connection with the advertising, promoting, offering for sale, sale or distribution of courses of study, training or instruction in the field of heavy equipment operation, tractor-trailer driving, airline personnel, motel management, insurance claim adjusting, diesel and construction mechanics, welding, motorcycle mechanics, or any other subject, trade or vocation in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, orally, visually, in writing or in any other manner, directly or by implication, except as hereafter provided in Paragraph 10 of Part I of this order that:

a. Graduates of respondents' courses may reasonably expect to secure entry-level employment in the job

classification for which they purportedly have been trained.

b. Graduates of respondents' courses have earned or will or may earn any specified amount of money, or otherwise representing by any means, the prospective earnings of respondents' graduates.

c. There is a significant and substantial need or demand for graduates of respondents' courses.

d. Respondents' placement service has secured or will secure an entry-level position in the subject fields of the courses offered by respondents for most, if not all, graduates of said courses who requested or request placement assistance.

2. Representing orally, visually, in writing or in any other manner, directly or by implication, unless respondents disclose the information required in Paragraph 10 of Part I of this order:

a. The general conditions or employment demand in any employment market now or any time in the future.

b. The amount of salary or earnings generally available to persons employed in any occupation.

3. Misrepresenting, orally, visually, in writing or in any other manner, directly or by implication:

a. The employment opportunities available to graduates of any of respondents' courses.

b. The effectiveness or success of respondents' placement service in obtaining employment for graduates of any of respondents' courses.

c. The extent of any placement assistance or service furnished by respondents to help graduates of respondents' courses obtain employment.

4. Failing to disclose, in writing, clearly and conspicuously, prior to the signing of any contract, to any prospective enrollee of any tractor-trailer or truck driving course offered by respondents, the following information:

a. The title "IMPORTANT INFORMATION" printed in ten (10) point boldface type above the information specified in subparts b, c and d of this Paragraph.

b. Many employers of tractor-trailer or truck drivers prescribe a minimum age of 21 years for drivers.

c. Many employers of tractor-trailer or truck drivers give preferential consideration in hiring to driver applicants who are 25 years of age or more.

d. Many employers of tractor-trailer or truck drivers give preferential consideration in hiring to driver applicants with actual tractor-trailer or truck driving experience.

5. Failing to disclose, in writing, clearly and conspicuously, prior to the signing of any contract, to any prospective enrollee of any heavy equipment operators training course offered by respondents, the following information:

a. The title "IMPORTANT INFORMATION" printed in ten (10) point boldface type above the information specified in subpart b of this Paragraph.

b. Many employers of heavy equipment operators hire only operators belonging to unions and heavy equipment operators' unions will not necessarily grant graduates of [name of school] membership based upon the school's training.

6. Failing to disclose, in writing, clearly and conspicuously, prior to the signing of any contract, to any prospective enrollee of any insurance adjusters training course offered by respondents, the following information:

a. The title "IMPORTANT INFORMATION" printed in ten (10) point boldface type above the information specified in subparts b, c and d of this Paragraph.

b. Many employers of insurance adjusters prescribe a minimum educational level of two (2) or four (4) years of college.

c. Many employers of insurance adjusters give preferential consideration in hiring to applicants with actual adjusting experience.

d. Many employers of insurance adjusters train their own personnel and training given by [name of school] is not accepted as a replacement for the employers' own training.

7. Failing to disclose, in writing, clearly and conspicuously, prior to the signing of any contract, to any prospective enrollee of any airlines personnel course offered by respondents, the following information:

a. The title "IMPORTANT INFORMATION" printed in ten (10) point boldface type above the information specified in subpart b of this Paragraph.

b. Most, if not all, airlines train their own personnel and training given by [name of school] is not accepted as a replacement for the airlines' own training.

8. Failing to disclose, in writing, clearly and conspicuously, prior to the signing of any contract, to any prospective enrollee of any motel management course offered by respondents, the following information:

a. The title "IMPORTANT INFORMATION" printed in ten (10) point boldface type above the

information specified in subparts b, c and d of this Paragraph.

b. Many employers of motel managers require significant work experience in subordinate positions, either within their own organization, or with other companies within the industry.

c. Many employers of motel managers require that applicants without significant work experience within the industry be college graduates.

d. Many employers of motel managers have their own training programs and training given by [name of school] is not accepted as a replacement for their own programs.

9. Failing to disclose, in writing, clearly and conspicuously, prior to the signing of any contract, to any prospective enrollee of any diesel mechanics course offered by respondents, the following information:

a. The title "IMPORTANT INFORMATION" printed in ten (10) point boldface type above the information specified in subparts b and c of this Paragraph.

b. Many employers of diesel mechanics require significant work experience or, for applicants without significant work experience within the industry, completion of a training or apprenticeship program lasting several years.

c. Many employers of diesel mechanics require new diesel mechanics to provide their own tools.

10. Failing to disclose, in writing, clearly and conspicuously, prior to the signing of any contract, to any prospective enrollee of any course of instruction or study offered by respondents, the following information concerning that course in the format depicted in Appendix A for the most recent base period:

For purposes of this Paragraph, the "most recent base period" shall mean the most recent six month period, either from January 1 through June 30, or from July 1 through December 31, in which the course was offered, not including any base period that ended within four months of the time disclosures are required to be made pursuant to this Paragraph.

a. The number and percentage of enrollees who have failed to complete their course of instruction.

b. The job placement rate, ratio or percentage for enrollees and graduates of the course, and also the numbers upon which such rates, ratios or percentages are based. Job placement shall be determined by the number of enrollees and graduates who (1) left or completed the course within the most recent base period and (2) within four

months of leaving or completing the course, obtained employment in jobs for which respondents' course prepared them.

c. The salary range of respondents' graduates, stated in salary increments of \$2,000, based upon annual gross salary.

The above disclosures, however, shall not be required for any course newly introduced by respondents, until such time as the new course has been in operation for one base period (either from January 1 through June 30, or from July 1 through December 31) and an additional four months after the base period. However, during such time, the following statement, and no other, shall be made in lieu of the Appendix A Disclosure Form required by this Paragraph:

Disclosure Notice

This course has not been in operation long enough to indicate what, if any, actual employment or salary may result upon graduation from this course.

A course previously offered, but discontinued for at least two (2) years before being offered again shall also be considered as a "course newly introduced" for purposes of this Paragraph.

11. Failing to keep adequate records which may be inspected by Commission staff members upon reasonable notice which substantiate the data and information required to be disclosed by Paragraph 10 of Part I of this order.

12. Contracting for the sale of any course of instruction in any subject, trade or vocation in the form of a sales contract or any other agreement which does not contain in immediate proximity to the space reserved in the contract for the signature of the prospective enrollee in boldface type of a minimum size of ten (10) points a statement in the following form:

You, the prospective enrollee, may cancel this transaction at any time prior to midnight of the fourteenth (14) day after the date of this transaction. Use attached notice of cancellation form to cancel this transaction.

13. Failing to furnish each prospective enrollee, at the time he signs the sales contract or otherwise agrees to enroll in a course of instruction in any subject, trade or vocation offered by respondents, a complete form in duplicate, which shall be attached to the contract or agreement, and easily detachable, and which shall contain in boldface type of a minimum size of ten (10) points the following:

CANCELLATION FORM

THE ENROLLMENT CONTRACT THAT YOU SIGNED WITH [NAME OF SCHOOL]

ON [DATE] TO ENROLL IN [NAME OF COURSE] MAY BE CANCELLED BY YOU, FOR ANY REASON, IF YOU SIGN THIS STATEMENT AND MAIL IT TO THE ABOVE NAMED SCHOOL WITHIN FOURTEEN (14) DAYS FROM THE TIME THAT YOU RECEIVED THIS STATEMENT. YOU ARE THUS FREE TO CANCEL YOUR ENROLLMENT AND RECEIVE A FULL REFUND OF ANY MONIES YOU HAVE PAID TO THE SCHOOL. IF YOU DO WANT TO CANCEL, YOU SHOULD SIGN YOUR NAME BELOW AND MAIL THIS STATEMENT TO THE SCHOOL WITHIN FOURTEEN (14) DAYS. KEEP THE DUPLICATE COPY FOR YOUR OWN RECORDS.

DATE _____.

SIGNATURE _____.

14. Failing to orally inform each prospective enrollee of his right to cancel at the time he signs a contract or agreement for the sale of any course of instruction.

15. Misrepresenting in any manner the prospective enrollee's right to cancel.

16. Failing or refusing to honor any valid notice of cancellation by a prospective enrollee and within fourteen (14) days after the receipt of such notice, to: (a) refund all payments made under the contract or sale; and (b) cancel and return any negotiable instrument executed by the prospective enrollee in connection with the contract or sale.

17. Making any representations of any kind whatsoever which are not otherwise prescribed by other provisions of this order for which respondents have no reasonable basis prior to the making or disseminating thereof.

18. In the event the Commission promulgates a final Trade Regulation Rule on Advertising, Disclosure, Cooling-Off and Refund Requirements Concerning Proprietary Vocational and Home Study Schools, then, upon the effective date of such Rule, it shall completely supersede the provisions of this order set forth in Paragraphs 1, 2, 10, 12, 13, 14, 15, and 16 of Part I of this order provided that if no provision of the Rule relates in whole or in part to any matter covered by provisions of one of the aforesaid Paragraphs of this order, then said provisions of said Paragraph shall remain in full force and effect.

Part II

It is further ordered, That:

1. Within sixty (60) days after the date this order is served on respondents (hereinafter "date of service") Commission staff shall name an independent contractor to be employed by respondents, subject to respondents' approval. Approval shall be granted except for good cause shown.

2. Within sixty (60) days after the date of service, respondents shall compile a list from records in respondents' possession, custody, or control and from information which may be transmitted to respondents by the Commission or by others within said number of days. To the extent said records or information so indicate, that list shall state the following with respect to each person who graduated from respondents' tractor-trailer drivers, heavy equipment operators, diesel mechanics, welders, motorcycle mechanics, insurance adjusters, motel management or airline personnel courses between January 11, 1975 and January 11, 1978:

- a. Name;
- b. Last known address;
- c. Course and date of completion;
- d. Total tuition paid by or for such graduate to respondents;
- e. Student number;
- f. Social Security Number; and
- g. The names and addresses of individuals listed as references or persons likely to know the whereabouts of the graduate.

3. Within sixty (60) days after the date of service, respondents shall give to the independent contractor and to Commission staff a copy of the list described in Part II, Paragraph 2 of this order.

4. Within one hundred (100) days after the date of service, the independent contractor shall deposit in the United States mail, first class postage prepaid, an envelope addressed to each graduate at his or her last known address. Each envelope shall bear the independent contractor's return address and shall contain:

- a. A copy of the letter in the form set out in Appendix B.
- b. A copy of the appropriate Questionnaire in the language, manner, and form shown in Appendices C-H.
- c. A first class postage prepaid envelope addressed to the independent contractor.

5. a. If any envelope mailed to a graduate pursuant to Part II, Paragraph 4. of this order is returned to the independent contractor by the United States Postal Service, then the independent contractor shall determine whether the graduate's social security number is included as part of the list described in Paragraph 2 of Part II of this order.

b. For those graduates whose social security number is available, the independent contractor shall compile a list of names and social security numbers. The independent contractor shall maintain said list for thirty (30) days after the date of the mailing done

pursuant to Paragraph 4 of Part II of this order.

c. Within one hundred thirty-five (135) days after the date of service, the independent contractor shall deliver to Commission staff the list described in Paragraph 5(b).

d. Within one hundred fifty (150) days after the date of service, Commission staff shall deliver to the independent contractor or his designee a magnetic computer tape containing the names and social security numbers from the list described in Paragraph 5(b) and such other names and social security numbers as Commission staff have obtained regarding potentially eligible class members who have not been located.

6. Within one hundred fifty (150) days after the date of service, the independent contractor shall request the assistance of the Social Security Administration, hereinafter SSA, in locating the potentially eligible class members by:

a. Signing a contract with SSA which, among other things, obligates the independent contractor to pay SSA's charges, provided, however, that the independent contractor shall not obligate itself to pay more than six dollars per potentially eligible class member unless the Commission agrees to reimburse it for said overage;

b. Providing SSA with the magnetic computer tape referred to in Paragraph 5(d) of Part II of the order;

c. Providing SSA with a letter for each potentially eligible class member in the form set out in Appendix I and a first class, postage prepaid envelope addressed to the independent contractor; and

d. Requesting SSA to mail such letters and return envelopes to the potentially eligible class members. SSA shall mail such letters within two hundred twenty (220) days after the date of service.

7. If the graduate's social security number is not available from the list, or if SSA is unwilling or unable to provide the services described in Paragraph 6 of Part II of the order, the independent contractor shall, within one hundred thirty-five (135) days after the date of service, mail an envelope to each name and address described in Part II, Paragraph 2(g) of this order. Each envelope shall bear the independent contractor's return address and shall contain:

a. A letter in the language, manner, and form shown in Appendix J; and

b. A first class postage prepaid envelope addressed to the independent contractor.

8. a. If, within two hundred seventy (270) days after the date of service, the independent contractor receives from any source a new address or addresses for graduates whose names appear on the list described in Part II, Paragraph 2 of this order, then, within seven (7) days after receiving such new addresses, the independent contractor shall deposit in the United States mail, first class postage prepaid, envelopes which shall be addressed to the graduates at the new address or addresses, bear the independent contractor's return address, and contain the items described in Part II, Paragraphs 4(a), 4(b) and 4(c) of this order.

b. If, within two hundred seventy (270) days after the date of service, the independent contractor receives requests from anyone for a copy of Appendices B-H, or for information necessary for the implementation of Part II of this order, then, within seven (7) days after receiving such requests, the independent contractor shall deposit in the United States mail, first class postage prepaid, envelopes which shall be addressed to the persons making the requests, bear the independent contractor's return address, and contain the items described in Part II, Paragraphs 4(a), 4(b) and 4(c) of this order.

9. Within three hundred fifteen (315) days after the date of service, the independent contractor shall make an initial determination of those students who are eligible class members pursuant to the criteria enumerated in this Paragraph, and in accordance with the instructions set forth in Appendix K of this order. An eligible class member is defined as a person who:

a. Graduated from one of respondents' courses between January 11, 1975, and January 11, 1978.

b. Took the course to get a job in a new or different field or to get a better job in the same field.

c. Did not have all of his tuition paid for by an employer or a governmental agency other than the Veterans Administration.

d. After graduation, made a serious effort to find a job in the field of his training.

e. After graduation, contacted four (4) or more companies for the purpose of securing employment.

f. Failed to secure a job in the field of his training.

g. Failed to obtain an offer for a job in the field of his training.

h. Demonstrated his eligibility by responses to the questionnaire and any subsequent inquiry mailed by the contractor pursuant to the provisions of

this order before three hundred ten (310) days after the date of service.

Any person who does not satisfy the criteria in a-h listed above is an ineligible class member.

10. Within three hundred fifteen (315) days after the date of service, the independent contractor shall transmit to the respondents and to the Commission staff a list of the tentatively eligible class members as initially determined pursuant to Paragraph 9 of Part II of this order. This list shall be referred to as "tentatively eligible class members." Said list shall be segregated by year of graduation and shall contain the following information:

a. The graduate's name.

b. The graduate's current address.

c. The graduate's student number as stated in the answer to question 4 of the Eligibility Questionnaire.

d. Total tuition paid as stated in the answer to question 7 of the Eligibility Questionnaire.

e. Whether the course was taken under Universal's special rate for couples and, if so, with whom, as stated in the answer to question 8 of the Eligibility Questionnaire.

f. The amount of the tuition paid by a government agency other than the Veterans Administration as stated in the answer to question 9 of the Eligibility Questionnaire.

g. The amount of the tuition paid by the graduate's employer and which the graduate did not have to repay, as stated in the answer to question 10 of the Eligibility Questionnaire.

h. The amount of the tuition previously refunded to the graduate by Universal as stated in the answer to question 11 of the Eligibility Questionnaire.

11. Within three hundred fifteen (315) days after the date of service, the independent contractor shall transmit to the respondents and to the Commission staff a list of the tentatively ineligible class members as initially determined pursuant to Paragraph 9 of Part II of this order. This list shall be referred to as "tentatively ineligible class members." Said list shall contain the following information:

a. Graduate's name.

b. Graduate's address.

12. Within three hundred fifteen (315) days after the date of service, the independent contractor shall transmit to respondents a copy of all Eligibility Questionnaires and other documents used in compiling the lists of tentatively eligible class members and tentatively ineligible class members.

13. Respondents may challenge the classification of any graduate and the

factual accuracy of information appearing on the list of tentatively eligible class members; provided, however, that respondents set forth the factual basis for their challenges and furnish copies of documents relied upon. Respondents shall not rely upon information secured subsequent to September 29, 1978, directly or indirectly from the mailing of job information requests similar in form or substance to Appendix U; provided, however, that respondents may rely upon an employer's verification that a graduate secured employment in a specific occupation. Respondents' challenges shall be contained in a document entitled "Respondents' Challenges."

Within three hundred forty-five (345) days after the date of service, respondents shall transmit to Commission staff "Respondents' Challenges," and the copies of the Eligibility Questionnaires and other documents used in compiling the lists of tentatively eligible class members and tentatively ineligible class members.

14. Within three hundred seventy-five (375) days after the date of service, Commission staff shall advise respondents if they agree with any of respondents' challenges. If Commission staff do not agree with a certain challenge, they shall so state and provide documentary evidence relied upon.

15. Commission staff may challenge the classification of any graduate and the factual accuracy of information appearing on the list of tentatively eligible class members; provided, however, that Commission staff set forth the factual basis for their challenges and furnish copies of documents relied upon. Commission challenges shall be contained in a document entitled, "Commission Staff's Challenges."

Within three hundred seventy-five (375) days after the date of service, Commission staff shall transmit to respondents "Commission Staff's Challenges," and the copies of the Eligibility Questionnaires and other documents used in compiling the lists of tentatively eligible class members and tentatively ineligible class members.

16. Within three hundred ninety (390) days after the date of service, respondents shall advise Commission staff if they agree with any of Commission staff's challenges. If respondents do not agree with a certain challenge, they shall so state and provide documentary evidence relied upon.

17. Within three hundred ninety-five (395) days after the date of service,

Commission staff shall notify the independent contractor of reclassifications of graduates and any other mutually agreed upon changes in the list of tentatively eligible class members. The independent contractor shall incorporate said changes in the lists of tentatively eligible class members and tentatively ineligible class members.

18. Any remaining disputes concerning the factual information contained in the list of tentatively eligible class members shall be resolved by the independent contractor based upon the information and documents contained in "Respondents' Challenges" and "Commission Staff's Challenges." The independent contractor shall incorporate said changes in the lists of tentatively eligible class members and tentatively ineligible class members. The remaining disputes concerning the classification of a graduate as eligible shall be resolved by arbitration pursuant to Paragraph 19.

19. a. Within three hundred ninety-five (395) days after the date of service, if either party continues to believe a graduate is improperly classified they may demand arbitration by mailing a letter in the form and manner set out in Appendix M and \$100.

b. Arbitration shall be governed by the special rules set out in Appendix N and such rules of AAA as are not inconsistent therewith.

c. The arbitrator's decision in each matter shall be limited to finding whether the graduate is an eligible class member and such decision shall be final.

d. The arbitrator's decision in each and every matter shall be transmitted to respondents, Commission staff and the independent contractor within four hundred fifty-five (455) days after the date of service. The independent contractor shall incorporate said changes in the list of tentatively eligible class members and tentatively ineligible class members.

e. If neither party demands arbitration, the time periods following herein shall be advanced by sixty (60) days.

20. Subsequent to the procedures contained in Paragraph 19, the list of tentatively eligible class members shall be referred to as the "list of ineligible class members."

21. Within four hundred ninety (490) days after the date of service, the independent contractor shall determine the refund due each graduate on the list of eligible class members by the following method:

a. For each graduate who did not take a course under respondents' special rate for couples:

(1) Subtract from the total tuition paid:

(a) amount of tuition paid by a government agency other than the Veterans Administration;

(b) amount of tuition paid by the graduate's employer and which the graduate did not have to repay;

(c) amount of tuition previously refunded to the graduate by respondents. The remainder shall be defined as "net tuition paid" and shall be recorded on the list of eligible class members.

b. For each graduate who did take a course under respondents' special rate for couples:

(1) Subtract from the total tuition paid:

(a) amount of tuition paid by a government agency other than the Veterans Administration;

(b) amount of tuition paid by the graduate's employer and which the graduate did not have to repay;

(c) amount of tuition previously refunded to the graduate by respondents.

(2) Add together the results obtained through the procedure in subparagraph 21 (b)(1) for each of the two graduates comprising a couple and divide the sum by 2. The quotient shall be defined as "net tuition paid" and shall be recorded on the list of eligible class member.

c. Multiply "net tuition paid," as defined by Paragraph 21(a) or 21(b), by .75. The product shall be defined as "75% of net tuition paid."

d. Add together 75% of net tuition paid for each eligible class members. Determine if this total exceeds \$750,000 less administrative costs, hereinafter referred to as "the cap."

e. If the total derived in subparagraph (d) above is less than the cap, enter 75% of net tuition paid for each eligible class member on the list of eligible class members under the heading "refund due." Enter $\frac{1}{3}$ of "refund due" on the list under the heading " $\frac{1}{3}$ refund due."

f. If the total derived in subparagraph (d) above exceeds the cap, reduce the 75% of tuition paid for each eligible class member on a pro rata basis so that the total refunds due equal the cap. Enter the pro rata refund so derived for each eligible class member on the list of eligible class members under the heading "refund due." Enter $\frac{1}{3}$ of refund due on the list under the heading " $\frac{1}{3}$ refund due."

22. Administrative costs shall only include:

a. The independent contractor's fee, including such mailings, and only such

mailings, as are provided for in this order.

b. Reimbursement of one half of the arbitration fee paid by the party requesting arbitration.

c. The sum charged by the Social Security Administration for locating potential class members, not to exceed six dollars per potential class member.

Administrative costs shall be borne by respondents.

23. Within five hundred five (505) days after the date of service, the independent contractor shall deposit in the U.S. mails letters to eligible class members in the form set out in Appendix O and accompanied by a release in the form set out in Appendix P. The envelopes shall be mailed first class, postage prepaid.

24. Within five hundred five (505) days after the date of service, the independent contractor shall deposit in the U.S. mails to each person on the list of ineligible class members a letter in the form set out in Appendix Q. The envelopes shall be mailed first class, postage prepaid.

25. Within five hundred forty-five (545) days after the date of service, the independent contractor shall indicate on the list of eligible class members those graduates who returned releases within five hundred forty (540) days after the date of service and shall provide a copy of said list to respondents and to Commission staff.

26. Any letters, documents or other communications received by the independent contractor subsequent to five hundred forty-five (545) days after the date of service shall be provided to Commission staff.

27. Within five hundred sixty (560) days after the date of service, respondents shall mail the first one-third of the refund due to eligible class members who returned releases as indicated on the list provided by the independent contractor pursuant to Paragraph 25. All refunds made pursuant to this order shall be mailed first class, postage prepaid. The letter accompanying the refund shall be in the form set out in Appendix R.

28. Within nine hundred twenty-five (925) days after the date of service, respondents shall mail the second one-third of the refund due to eligible class members who returned releases as indicated on the list provided by the independent contractor pursuant to Paragraph 25.

The letter accompanying the refund shall be in the form set out in Appendix S and shall be mailed first class, postage prepaid.

29. Within one thousand two hundred ninety (1290) days after the date of service, respondents shall mail the final one-third of the refund due to eligible class members who returned releases as indicated on the list provided by the independent contractor pursuant to Paragraph 25.

The letter accompanying the refund shall be in the form set out in Appendix T and shall be mailed first class, postage prepaid.

30. If a letter mailed pursuant to Paragraphs 27, 28 or 29 is returned unopened, the Commission shall be so notified upon its return and shall have one hundred twenty (120) days after respondents so notify to secure a more recent address for the addressee. If the Commission cannot secure an address to which the letter is deliverable, the sum represented by the undelivered check shall be added to the sum remaining in the cap.

31. Within one thousand four hundred ten (1410) days after the date of service, the Commission staff shall advise respondents of any graduate who should have received a refund under this Part of the order, but did not, due to error in administering the procedures of this Part. If funds remain in the cap to make additional disbursements, Commission staff and respondents shall make a good faith effort to determine if refunds should be made to said graduates.

32. For good cause shown, the Regional Director of the Commission's Atlanta Regional Office may grant extensions of time to respondents, the independent contractor, or Commission staff. The Regional Director shall grant extensions requested by the arbitrator or the Social Security Administration. When an extension of time is granted, all other time periods in this order shall be automatically adjusted accordingly.

33. Subsequent to January 8, 1979, and prior to three hundred fifteen (315) days after the date of service, respondents shall not initiate contact with any person graduating from respondents' courses between January 11, 1975, and January 11, 1978, provided, however, that respondents may communicate job vacancies evidenced by a current letter from the potential employer.

Part III

It is further ordered that respondents distribute a copy of this order to all operating divisions of said corporations and said partnership, and to present or future personnel, agents or representatives having sales, advertising, or policy responsibilities with respect to the subject matter of this order and that respondents secure from

each such person a signed statement acknowledging receipt of said order.

It is further ordered that respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered that each individual respondent named herein promptly notify the Commission of the discontinuance of his or her present business or employment and of his or her affiliation with a new business or employment. In addition, for a period of ten (10) years from the date of service of this order, the respondents shall promptly notify the Commission of each affiliation with a new business or employment whose activities include the advertising, promoting, offering for sale, sale or distribution of courses of study, training or instruction in any subject, trade or vocation. Such notice shall include the respondent's new business address and a statement of the nature of the business or employment in which the respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with the business or employment. In addition, until such time as the final compliance report is submitted pursuant to Part III of this order, each individual respondent shall promptly notify the Commission of any change in his or her address. The expiration of the notice provisions of this paragraph shall not affect any other obligation arising under this order.

It is further ordered that the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with Parts I and III of this order.

It is further ordered that respondents herein shall, within six hundred twenty (620) days, nine hundred eighty-five (985) days, and one thousand four hundred seventy (1470) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with Part II of this order.

Appendix A—(Name of school)

Important Information for Prospective Students

Below is the dropout rate, job placement rate and starting salaries for students in the

[name of course] between [date] and [date]. Please read this page carefully before you decide whether or not to enroll in this course.

1. Total number of students: [number].
2. Students who failed to complete the course: [number]—[percent].
3. Students (whether graduating or not) who obtained employment as [occupation]: [number]—[percent].
4. Graduates who obtained employment as [occupation]: [number]—[percent].
5. Starting salaries of students who obtained employment as [occupation]:
Less than \$6,000 per year: [number]—[percent].
\$6,000–\$7,999 per year: [number]—[percent].
\$8,000–\$9,999 per year: [number]—[percent].
\$10,000–\$11,999 per year: [number]—[percent].
\$12,000–\$13,999 per year: [number]—[percent].
\$14,000–\$15,999 per year: [number]—[percent].
Over \$16,000 per year: [number]—[percent].

Note: In compiling the foregoing data, information was sought from all students (indicated by item 1 above) and responses were received from — students.

Appendix B

[Name]

[Address]

Dear [Name]:

In accordance with an agreement between the United States Federal Trade Commission and Universal Training Service, Universal has consented to an order whereby Universal shall make adjustments in tuition for certain individuals who graduated from Universal's schools between January 11, 1975 and January 11, 1978:

Enclosed you will find a questionnaire. You may already have received a similar questionnaire from the Federal Trade Commission, the Veterans Administration or Universal Training Service. The enclosed questionnaire, however, seeks different information which is necessary to determine your eligibility for a tuition adjustment. We urge you to answer this questionnaire to the best of your ability no matter how you answered past questionnaires.

You are under no obligation to fill out and return the enclosed questionnaire. However, if you wish to be considered for a tuition adjustment, you must fill out and return the enclosed questionnaire.

DIRECTIONS: Please complete the questionnaire and return it in the enclosed, stamped, addressed envelope. It is suggested that you fill out and mail this questionnaire as soon as possible. If you don't mail it within 21 days, it may not arrive in time for us to consider you for a tuition adjustment. If you misplace the envelope provided, please mail your questionnaire to [name and address of party on return envelope].

You must follow the directions and should answer all questions which apply to your *completely and truthfully*, to the best of your knowledge. Questionnaires which are incomplete or improperly filled out could affect your eligibility.

During 1977, a few student took "combination courses" which consisted of 3 weeks of one subject plus 2 weeks of another subject (for example, heavy equipment plus diesel mechanics, diesel mechanics plus truck driving, heavy equipment plus truck driving, etc.). If you took a combination course, we enclosed a questionnaire which should reflect your major (that is, the course you took for 3 weeks). This is the questionnaire that will be used to determine your eligibility for a tuition adjustment.

Universal sometimes offered a special tuition rate when 2 people signed up for a course together (for example, husband & wife). If you took the course under this plan, we would like you and the person you enrolled with each to fill out a separate questionnaire. If the person you enrolled with did not receive a questionnaire, please make a copy of the enclosed questionnaire for their use or write to us and we will send an additional questionnaire.

After you have answered every applicable question in the questionnaire, do not sign the questionnaire. Take it to a Notary Public. Then sign and swear to the questionnaire in the presence of that person. He or she will then notarize it. Notaries can usually be found at banks, real estate offices, auto dealers, and, in some areas, pharmacies.

You will be notified whether or not you are eligible. Therefore, it is important that we know your current address. Please send notification of any change in your home address to [name and address on the return envelope].

If you have any questions regarding this letter, please contact [name and address of independent contractor].

Your cooperation is appreciated.

Sincerely,

[Independent Contractor]

Appendix C

Questionnaire for Graduates of UNIVERSAL DIESEL AND CONSTRUCTION MECHANIC SCHOOL

1. Did you ever take Universal's Diesel Mechanic, Welding or Motorcycle Mechanic Course? Yes [] No []

If your answer to Question 1 was "Yes", skip to Question 3.

2. If your answer to Question 1 was "No", did you take a different course from Universal? Yes [] No []
If so, which one? _____

(Skip to Question 18, sign this document and retrain it in the enclosed postage paid envelope *without having it notarized*).

3. Did you receive a certificate of completion? Yes [] No []
If so, give the date you received it, if known: _____

(If your answer to Question 3 was "No", skip to question 18, sign this document and return it in the enclosed postage paid envelope *without having it notarized*).

4. Give your Universal student identification number, if known: _____

5. Did you have a job in the field of your course *when you enrolled in the course*? Yes [] No []

If so, what kind of job did you have? _____

6. What was the *most important* reason you took the course? (Look over all of the reasons below and then put a check next to the *one* most important reason).

- A. To get a job in a new or different field. []
- B. To get a better job in the same field. []
- C. To learn something new or useful, but not to get a new or better job. []
- D. Other, please explain: []

7. What was the total tuition cost for the course? \$ _____

8. Did you take the course with a friend or relative under Universal's special rate for couples? Yes [] No []
If so, please give the name of the friend or relative: _____

9. Did a governmental agency other than the Veterans Administration (for example, a Job Corps agency or a manpower rehabilitation agency) pay any part of this tuition? Yes [] No []
If so, how much? \$ _____

(Give amount which a government agency other than VA paid. Do not give amount which VA paid).

10. Did your employer pay any part of this tuition? Yes [] No []
If so, how much? \$ _____

If so, did you have to repay your employer? Yes [] No []

11. Did you ever get a full or partial tuition refund from Universal? Yes [] No []
If so, how much? \$ _____

12. After finishing the resident training part of the course, did you make a *serious effort* to find a job as a diesel mechanic, welder or motorcycle mechanic? Yes [] No []

If the answer is "No", skip to Question 18.

13. Answer all parts of this question as precisely as possible.

(a) After you finished the resident training part of the course, did you personally visit, telephone, or write any companies for the purpose of getting a job in the field of your training course? Yes [] No []

(b) If you answer to Question 13(a) is "Yes", what is the total number of companies you personally visited, telephoned, or wrote for the purpose of getting a job? (If you do not know the exact number, give your best estimate). _____

(c) Give the names and locations of the companies that you contacted for the purpose of getting a job. Check type of contact. (Do not give more than seven companies, even if you remember more).

Name of Company	Location	Visited	Telephoned	Wrote
(1) _____	_____	[]	[]	[]
(2) _____	_____	[]	[]	[]
(3) _____	_____	[]	[]	[]
(4) _____	_____	[]	[]	[]
(5) _____	_____	[]	[]	[]
(6) _____	_____	[]	[]	[]
(7) _____	_____	[]	[]	[]

(d) After you contacted companies which you described in 13(c), did you make a *second* contact to any of these companies for the purpose of obtaining employment?

Yes [] No []

14. After you completed the resident training part of the course, and after you started looking for a job, did you ever contact Universal for more help in finding a job?

Yes [] No []

15. Since completing your resident training, have you ever worked as a diesel mechanic, welder or motorcycle mechanic? Yes [] No []

(If your answer is "Yes", skip to Question 17).

16. Since completing your resident training, have you ever been offered a job as a diesel mechanic welder or motorcycle mechanic?

Yes [] No []

17. My present job is: _____

My present business address is: _____

Employer's Name _____
Number _____ Street _____
City _____ State _____ Zip Code _____
My business telephone number is: () _____

18. My present home address is _____
Number _____ Street _____ Apartment _____
City _____ State _____ Zip Code _____
My home telephone number is: () _____

Signature _____

(Please read the accompanying letter before signing).

State of _____
County of _____
Subscribed and sworn to before me this _____ day of _____, 19____
Notary Public _____
My commission expires: _____

Warning: It is a federal crime for anyone to knowingly and willfully make a false, fictitious, or fraudulent statement or representation in any matter within the jurisdiction of any department or agency of the United States. 18 U.S.C. Sec. 1001.

Appendix D

Questionnaire for Graduates of Universal Truck Drivers School

1. Did you ever take Universal's Truck Driving Course? Yes [] No []

If your answer to Question 1 was "Yes", skip to Question 3.

2. If your answer to Question 1 was "No", did you take a different course from Universal? Yes [] No []
If so, which one? _____

(Skip to Question 18, sign this document and return it in the enclosed postage paid envelope *without having it notarized*).

3. Did you receive a certificate of completion? Yes [] No []
If so, give the date you received it, if known: _____

(If your answer to Question 3 was "No", skip to Question 18, sign this document and return it in the enclosed postage paid envelope *without having it notarized*).

4. Give your Universal student identification number, if known: _____

5. Did you have a job in the field of your course when you enrolled in the course?

Yes [] No []

If so, what kind of job did you have? _____

6. What was the *most important* reason you took the course? (Look over all the reasons below and then put a check next to the *one* most important reason).

A. To get a job in a new or different field. []

B. To get a better job in the same field. []

C. To learn something new or useful, but not to get a new or better job. []

D. Other, please explain: []

7. What was the total tuition cost for the course? \$ _____

8. Did you take the course with a friend or relative under Universal's special rate for couples? Yes [] No []
If so, please give the name of the friend or relative: _____

9. Did a governmental agency other than the Veterans Administration (for example, a Job Corps agency or a manpower rehabilitation agency) pay any part of this tuition? Yes [] No []
If so, how much? \$ _____

(Give amount which a government agency other than VA paid. Do not give amount which VA paid).

10. Did your employer pay any part of this tuition? Yes [] No []
If so, how much? \$ _____

If so, did you have to repay your employer? Yes [] No []

11. Did you ever get a full or partial tuition refund from Universal? Yes [] No []
If so, how much? \$ _____

12. After finishing the resident training part of the course, did you make a *serious effort* to find a job as a tractor-trailer driver or a second driver of a tractor-trailer? Yes [] No []

If the answer is "No", skip to Question 18.

13. Answer *all* parts of this question as *precisely as possible*.

(a) After you finished the resident training part of the course, did you personally visit, telephone, or write any companies for the purpose of getting a job in the field of your training course? Yes [] No []

(b) If your answer to Question 13(a) is "Yes", what is the total number of companies you personally visited, telephoned, or wrote for the purpose of getting a job? (If you do not know the exact number, give your best estimate). _____

(c) Give the names and locations of the companies that you contacted for the purpose of getting a job. Check type of contact. (Do not give more than seven companies, even if you remember more).

Name of Company	Location	Visited	Telephoned	Wrote
(1) _____	_____	[]	[]	[]
(2) _____	_____	[]	[]	[]
(3) _____	_____	[]	[]	[]
(4) _____	_____	[]	[]	[]
(5) _____	_____	[]	[]	[]

Name of Company	Location	Visited	Telephoned	Wrote
(6) _____	_____	[]	[]	[]
(7) _____	_____	[]	[]	[]

(d) After you contacted companies which you described in 13(c), did you make a *second* contact to any of these companies for the purpose of obtaining employment?

Yes [] No []

14. After you completed the resident training part of the course, and after you started looking for a job, did you ever contact Universal for more help in finding a job? Yes [] No []

15. Since completing your resident training, have you ever worked as a tractor-trailer driver or second driver on a tractor-trailer? Yes [] No []

(If your answer is "Yes", skip to Question 17).

16. Since completing your resident training, have you ever been offered a job as a tractor-trailer driver or second driver on a tractor-trailer? Yes [] No []

17. My present job is: _____

My present business address is: _____

Employer's Name _____
Number _____ Street _____
City _____ State _____ Zip Code _____
My business telephone number is: () _____

18. My present home address is: _____

Number _____ Street _____ Apartment _____
City _____ State _____ Zip Code _____
My home telephone number is: () _____

Signature _____

(Please read the accompanying letter before signing).

State of _____
County of _____

Subscribed and sworn to before me this _____ day of _____, 19____

Notary Public _____

My commission expires: _____

Warning: It is a federal crime for anyone to knowingly and willfully make a false, fictitious, or fraudulent statement or representation in any matter within the jurisdiction of any department or agency of the United States. 18 U.S.C. Sec. 1001.

Appendix E

Questionnaire for Graduates of Universal Airlines Personnel School

1. Did you ever take Universal's Airlines Personnel Course? Yes [] No []

If your answer to Question 1 was "Yes", skip to Question 3.

2. If your answer to Question 1 was "No", did you take a different course from Universal? Yes [] No []
If so, which one? _____

(Skip to Question 18, sign this document and return it in the enclosed postage paid envelope *without having it notarized*).

3. Did you receive a certificate of completion? Yes [] No []
If so, give the date you received it, if known: _____

(If your answer to Question 3 was "No", skip to Question 18, sign this document and

return it in the enclosed postage paid envelope *without having it notarized*).

4. Give your Universal student identification number, if known: _____

5. Did you have a job in the field of your course *when you enrolled in the course*? Yes ☐ No ☐

If so, what kind of job did you have? _____

6. What was the *most important* reason you took the course? (Look over all of the reasons below and then put a check next to the *one* most important reason).

A. To get a job in a new or different field. ☐

B. To get a better job in the same field. ☐

C. To learn something new or useful, but not to get a new or better job. ☐

D. Other, please explain: ☐

7. What was the total tuition cost for the course? \$ _____

8. Did you take the course with a friend or relative under Universal's special rate for couples? Yes ☐ No ☐

If so, please give the name of the friend or relative: _____

9. Did a governmental agency other than the Veterans Administration (for example, a Job Corps agency or a manpower rehabilitation agency) pay any part of this tuition? Yes ☐ No ☐

If so, how much? \$ _____
(Give amount which a government agency other than VA paid. Do not give amount which VA paid).

10. Did your employer pay any part of this tuition? Yes ☐ No ☐

If so, how much? \$ _____
If so, did you have to repay your employer? Yes ☐ No ☐

11. Did you ever get a full or partial tuition refund from Universal? Yes ☐ No ☐

If so, how much? \$ _____

12. After finishing the resident training part of the course, did you make a *serious effort* to find a job as a flight attendant, ticket agent, reservations agent, cargo agent, travel agent or ship-line agent? Yes ☐ No ☐

If the answer is "No", skip to Question 18.

13. Answer *all* parts of this question as *precisely as possible*.

(a) After you finished the resident training part of the course, did you personally visit, telephone, or write any companies for the purpose of getting a job in the field of your training course? Yes ☐ No ☐

(b) If your answer to Question 13(a) is "Yes", what is the total number of companies you personally visited, telephoned, or wrote for the purpose of getting a job? (If you do not know the exact number, give your best estimate). _____

(c) Give the names and locations of the companies that you contacted for the purpose of getting a job. Check type of contact. (Do not give more than seven companies, even if you remember more).

Name of Company	Location	Visited	Telephoned	Wrote
(1) _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5) _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6) _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(7) _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(d) After you contacted companies which you described in 13(c), did you make a *second* contact to any of these companies for the purpose of obtaining employment? Yes ☐ No ☐

14. After you completed the resident training part of the course, and after you started looking for a job, did you ever contact Universal for more help in finding a job? Yes ☐ No ☐

15. Since completing your resident training, have you ever worked as a flight attendant, ticket agent, reservations agent, cargo agent, travel agent, or ship-line agent? Yes ☐ No ☐

(If your answer is "Yes", skip to Question 17).

16. Since completing your resident training, have you ever been offered a job as a flight attendant, ticket agent, reservations agent, cargo agent, travel agent, or ship-line agent? Yes ☐ No ☐

17. My present job is: _____

My present business address is: _____

Employer's Name _____
Number _____ Street _____
City _____ State _____ Zip Code _____
My business telephone number is: (____)

18. My present home address is: _____

Number _____ Street _____ Apartment _____
City _____ State _____ Zip Code _____
My home telephone number is: (____)

Signature _____

(Please read the accompanying letter before signing).

State of _____
County of _____

Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public _____

My commission expires: _____

Warning: It is a federal crime for anyone to knowingly and willfully make a false, fictitious, or fraudulent statement or representation in any matter within the jurisdiction of any department or agency of the United States. 18 U.S.C. Sec. 1001.

Appendix F

Questionnaire for Graduates of Universal Motel School

1. Did you ever take Universal's Motel Course? Yes ☐ No ☐

If your answer to Question 1 was "Yes", skip to Question 3.

2. If your answer to Question 1 was "No", did you take a different course from Universal? Yes ☐ No ☐

If so, which one? _____

(Skip to Question 18, sign this document and return it in the enclosed postage paid envelope *without having it notarized*).

3. Did you receive a certificate of completion? Yes ☐ No ☐

If so, give the date you received it, if known: _____
(If your answer to Question 3 was "No", skip to Question 18, sign this document and return it in the enclosed postage paid envelope *without having it notarized*).

4. Give your Universal student identification number, if known: _____

5. Did you have a job in the field of your course *when you enrolled in the course*? Yes ☐ No ☐

If so, what kind of job did you have? _____

6. What was the *most important* reason you took the course? (Look over all of the reasons below and then put a check next to the *one* most important reason).

A. To get a job in a new or different field. ☐

B. To get a better job in the same field. ☐

C. To learn something new or useful, but not to get a new or better job. ☐

D. Other, please explain. ☐

7. What was the total tuition cost for the course? \$ _____

8. Did you take the course with a friend or relative under Universal's special rate for couples? Yes ☐ No ☐

If so, please give the name of the friend or relative: _____

9. Did a governmental agency other than the Veterans Administration (for example, a Job Corps agency or a manpower rehabilitation agency) pay any part of this tuition? Yes ☐ No ☐

If so, how much? \$ _____
(Give amount which a government agency other than VA paid. Do not give amount which VA paid).

10. Did your employer pay any part of this tuition? Yes ☐ No ☐

If so, how much? \$ _____
If so, did you have to repay your employer? Yes ☐ No ☐

11. Did you ever get a full or partial tuition refund from Universal? Yes ☐ No ☐

If so, how much? \$ _____
12. After finishing the resident training part of the course, did you make a *serious effort* to find a job as a hotel or motel manager, assistant manager, front desk clerk, executive housekeeper or night auditor? Yes ☐ No ☐

If the answer is "No", skip to Question 18.

13. Answer *all* parts of this question as *precisely as possible*.

(a) After you finished the resident training part of the course, did you personally visit, telephone, or write any companies for the purpose of getting a job in the field of your training course? Yes ☐ No ☐

(b) If your answer to Question 13(a) is "Yes", what is the total number of companies you personally visited, telephoned, or wrote for the purpose of getting a job? (If you do not know the exact number, give your best estimate).

(c) Give the names and locations of the companies that you contacted for the purpose of getting a job. Check type of contact. (Do not give more than seven companies, even if you remember more).

Name of Company	Location	Visited	Telephoned	Wrote
(1).....		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2).....		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3).....		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4).....		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5).....		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6).....		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(7).....		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(d) After you contacted companies which you described in 13(c), did you make a second contact to any of these companies for the purpose of obtaining employment?

Yes ☐ No ☐
 14. After you completed the resident training part of the course, and after you started looking for a job, did you ever contact Universal for more help in finding a job?

Yes ☐ No ☐
 15. Since completing your resident training, have you ever worked as a hotel or motel manager, assistant manager, front desk clerk, executive housekeeper or night auditor?

Yes ☐ No ☐
 (If your answer is "Yes", skip to Question 17).

16. Since completing your resident training, have you ever been offered a job as a hotel or motel manager, assistant manager, front desk clerk, executive housekeeper or night auditor? Yes ☐ No ☐

17. My present job is: _____

My present business address is: _____

Employer's Name _____
 Number _____ Street _____
 City _____ State _____ Zip Code _____
 My business telephone number is: (____) _____

18. My present home address is: _____

Number _____ Street _____ Apartment _____
 City _____ State _____ Zip Code _____
 My home telephone number is: (____) _____

Signature _____

(Please read the accompanying letter before signing).

State of _____
 County of _____
 Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public _____
 My commission expires: _____

Warning: It is a federal crime for anyone to knowingly and willfully make a false, fictitious, or fraudulent statement or representation in any matter within the jurisdiction of any department or agency of the United States. 18 U.S.C. Sec. 1001.

Appendix G

Questionnaire for Graduates of Universal Heavy Construction School

1. Did you ever take Universal's Heavy Equipment Operating Course? Yes ☐ No ☐

If your answer to Question 1 was "Yes", skip to Question 3.

2. If your answer to question 1 was "No", did you take a different course from Universal? Yes ☐ No ☐

If so, which one? _____
 (Skip to question 18, sign this document and return it in the enclosed postage paid envelope *without having it notarized*).

3. Did you receive a certificate of completion? Yes ☐ No ☐
 If so, give the date you received it, if known: _____

(If your answer to Question 3 was "No", skip to question 18, sign this document and return it in the enclosed postage paid envelope *without having it notarized*).

4. Give your Universal student identification number, if known: _____

5. Did you have a job in the field of your course when you enrolled in the course? Yes ☐ No ☐
 If so, what kind of job did you have? _____

6. What was the *most important* reason you took the course? (Look over all of the reasons below, and then put a check next to the *one* most important reason).

- A. To get a job in a new or different field. ☐
 B. To get a better job in the same field. ☐
 C. To learn something new or useful, but not to get a new or better job. ☐
 D. Other, please explain: ☐

7. What was the total tuition cost for the course? \$ _____

8. Did you take the course with a friend or relative under Universal's special rate for couples? Yes ☐ No ☐
 If so, please give the name of the friend or relative: _____

9. Did a governmental agency other than the Veterans Administration (for example, a Job Corps agency or a manpower rehabilitation agency) pay any part of this tuition? Yes ☐ No ☐
 If so, how much? \$ _____

(Give amount which a government agency other than VA paid. Do not give amount which VA paid).

10. Did your employer pay any part of this tuition? Yes ☐ No ☐
 If so, how much? \$ _____

If so, did you have to repay your employer? Yes ☐ No ☐

11. Did you ever get a full or partial tuition refund from Universal? Yes ☐ No ☐
 If so, how much? \$ _____

12. After finishing the resident training part of the course, did you make a *serious effort*

to find a job as a heavy equipment operator? Yes ☐ No ☐

If the answer is "No", skip to Question 18.
 13. Answer all parts of this question as *precisely as possible*.

(a) After you finished the resident training part of the course, did you personally visit, telephone, or write any companies for the purpose of getting a job in the field of your training course? Yes ☐ No ☐

(b) If your answer to Question 13(a) is "Yes", what is the total number of companies you personally visited, telephoned, or wrote for the purpose of getting a job? (If you do not know the exact number, give you best estimate).

(c) Give the names and locations of the companies that you contacted for the purpose of getting a job. Check type of contact. (Do not give more than seven companies, even if you remember more)

Name of Company	Location	Visited	Telephoned	Wrote
(1).....		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2).....		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3).....		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4).....		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5).....		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6).....		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(7).....		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(d) After you contacted companies which you described in 13(c), did you make a second contact to any of these companies for the purpose of obtaining employment?

Yes ☐ No ☐
 14. After you completed the resident training part of the course, and after you started looking for a job, did you ever contact Universal for more help in finding a job?

Yes ☐ No ☐
 15. Since completing your resident training, have you ever worked as a heavy equipment operator? Yes ☐ No ☐
 (If your answer is "Yes", skip to question 17).

16. Since completing your resident training, have you ever been offered a job as a heavy equipment operator? Yes ☐ No ☐
 17. My present job is: _____

My present business address is: _____

Employer's name _____
 Number _____ Street _____
 City _____ State _____ Zip Code _____
 My business telephone number is: (____) _____
 18. My present home address is: _____

Number _____ Street _____ Apartment _____
 City _____ State _____ Zip Code _____
 My home telephone number is: (____) _____
 Signature _____

(Please read the accompanying letter before signing).

State of _____
 county of _____
 Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public _____

My commission expires: _____

Warning:

It is a federal crime for anyone to knowingly and willfully make a false, fictitious, or fraudulent statement or representation in any matter within the

jurisdiction of any department or agency of the United States. 18 U.S.C. Sec. 1001.

Appendix H

Questionnaire for Graduates Universal of Insurance Adjusters School

1. Did you ever take Universal's Insurance Adjusting Course? Yes [] No []

If your answer to Question 1 was "Yes", skip to Question 3.

2. If your answer to Question 1 was "No", did you take a different course from Universal? Yes [] No []

If so, which one? _____

(Skip to Question 18, sign this document and return it in the enclosed postage paid envelope *without having it notarized*).

3. Did you receive a certificate of completion? Yes [] No []

If so, give the date you received it, if known: _____

(If your answer to Question 3 was "No", skip to Question 18, sign this document and return it in the enclosed postage paid envelope *without having it notarized*).

4. Give your Universal student identification number, if known: _____

5. Did you have a job in the field of your course *when you enrolled in the course*?

Yes [] No []

If so, what kind of job did you have? _____

6. What was the *most important* reason you took the course? (Look over all of the reasons below and then put a check next to the *one* most important reason).

A. To get a job in a new or different field. []

B. To get a better job in the same field. []

C. To learn something new or useful, but not to get a new or better job. []

D. Other, please explain: []

7. What was the total tuition cost for the course? \$ _____

8. Did you take the course with a friend or relative under Universal's special rate for couples? Yes [] No []

If so, please give the name of the friend or relative: _____

9. Did a governmental agency other than the Veterans Administration (for example, a Job Corps agency or a manpower rehabilitation agency) pay any part of this tuition? Yes [] No []

If so, how much? \$ _____

(Give amount which a government agency other than VA paid. Do not give amount which VA paid).

10. Did your employer pay any part of this tuition? Yes [] No []

If so, how much? \$ _____

If so, did you have to repay your employer? Yes [] No []

11. Did you ever get a full or partial tuition refund from Universal? Yes [] No []

If so, how much? \$ _____

12. After finishing the resident training part of the course, did you make a *serious effort* to find a job as an insurance adjuster or investigator?

Yes [] No []

If the answer is "No", skip to Question 18.

13. Answer *all* parts of this question as *precisely as possible*.

(a) After you finished the resident training part of the course, did you personally visit, telephone, or write any companies for the purpose of getting a job in the field of your training course? Yes [] No []

(b) If your answer to Question 13(a) is "Yes", what is the total number of companies you personally visited, telephoned, or wrote for the purpose of getting a job? (If you do not know the exact number, give your best estimate). _____

(c) Give the names and locations of the companies that you contacted for the purpose of getting a job. Check type of contact. (Do not give more than seven companies, even if you remember more).

Name of Company	Location	Visited	Telephoned	Wrote
(1) _____	_____	[]	[]	[]
(2) _____	_____	[]	[]	[]
(3) _____	_____	[]	[]	[]
(4) _____	_____	[]	[]	[]
(5) _____	_____	[]	[]	[]
(6) _____	_____	[]	[]	[]
(7) _____	_____	[]	[]	[]

(d) After you contacted companies which you described in 13(c), did you make a *second* contact to any of these companies for the purpose of obtaining employment? Yes [] No []

14. After you completed the resident training part of the course, and after you started looking for a job, did you ever contact Universal for more help in finding a job? Yes [] No []

15. Since completing your resident training, have you ever worked as an insurance adjuster or investigator? Yes [] No []

(If your answer is "Yes", skip to Question 17).

16. Since completing your resident training, have you ever been offered a job as an insurance adjuster or investigator? Yes [] No []

17. My present job is: _____

My present business address is: _____

Employer's Name _____
Number _____ Street _____
City _____ State _____ Zip Code _____
My business telephone number is: () _____

18. My present home address is: _____

Number _____ Street _____ Apartment _____
City _____ State _____ Zip Code _____
My home telephone number is: () _____

Signature _____
(Please read the accompanying letter before signing).

State of _____
County of _____

Subscribed and sworn to before me this day of _____, 19____.

Notary Public _____
My commission expires: _____

Warning: It is a federal crime for anyone to knowingly and willfully make a false, fictitious, or fraudulent statement or representation in any matter within the

jurisdiction of any department or agency of the United States. 18 U.S.C. Sec. 1001.

Appendix I

[Name]

[Address]

Dear [Name]:

In accordance with an agreement between the United States Federal Trade Commission and Universal Training Service, Universal has consented to an order whereby Universal shall make adjustments in tuition for certain individuals who graduated from Universal's schools between January 11, 1975, and January 11, 1978.

On [Date], we sent out questionnaires to certain graduates. Your name was on this mailing list. However, because of the age of Universal's files, we are afraid that the questionnaire may not have reached you. We, therefore, request that you send us your current address. It is important that you furnish your name, address and telephone number to us in the enclosed prepaid envelope within 14 days after you receive this letter. Otherwise we may not be able to get an Eligibility Questionnaire delivered to you. Should you lose the envelope, send your name, address and telephone number to [name and address of independent contractor].

This letter was forwarded to you by the Social Security Administration which agreed to assist in contacting you because of the circumstances of this matter. However, the Social Security Administration has not revealed your home or business address to the Federal Trade Commission or any other party. You are free, therefore, to reply or not as you choose.

[Independent Contractor]

(cut here)

Name: _____

Current Address: _____

Telephone Number: (Area Code) _____

Appendix J

[Name]

[Address]

Dear [Name]:

In accordance with an agreement between the United States Federal Trade Commission and Universal Training Service, you are requested to provide us with the last known address of [insert name of student].

It is believed that this person graduated from one of Universal's courses between January 11, 1975, and January 11, 1978. The Federal Trade Commission has determined that it is necessary to collect information from certain graduates of Universal Training Service's courses to implement the terms of an order which, among other things, requires the company to make tuition adjustments for certain graduates, possibly including the person named above.

If you know the current address of the person named above, please write it in the place provided at the bottom of this page and return it to us in the enclosed postage prepaid envelope as soon as possible, but *not later*

than 14 days after you receive this letter. If you lose the envelope, send the information requested to [name and address of independent contractor].

Your cooperation will be appreciated.

Sincerely,

[Independent Contractor]

(Current address of person listed above) —

Appendix K

Instructions to Independent Contractor

The tasks to be performed by the independent contractor and the time period in which to perform said tasks are set out in Part II of this order.

The contractor shall receive the responses to Appendices C-H (Eligibility Questionnaires). From these responses the contractor will determine all eligible class members and, supplemented by information furnished pursuant to this order, the amount of refund to which each member is entitled. All references to question numbers refer to the questions on the Eligibility Questionnaires.

a. If the answer to question 1 is "no," go to question 2; if the answer is "yes," go to question 3.

b. If the answer to question 2 is "yes," send the graduate the appropriate Eligibility Questionnaire; if it is "no," place the individual on the list of "ineligibles."

c. If the answer to question 3 is "no," place the graduate on the list of ineligible.

d. Disregard questions 4 and 5 for purposes of determining eligibility.

e. If the answer to question 6 is A or B, continue. If the answer is C, place the graduate on the ineligible list. Answer D allows the graduate to state his own reason for taking the course. Analyze this answer and determine whether it resembles A, B or C. Treat the answer in the same manner as the one that it most closely resembles.

f. Disregard questions 7 and 8 for purposes of determining eligibility.

g. If the answer to question 9 is "yes" and the dollar amount is the same as listed in question 7, place the graduate on the list of ineligible.

h. If the answer to the first part of question 10 is "yes" and the dollar amount is the same as listed in question 7 and the answer to the last part of question 10 is "no," place the graduate on the list of ineligible.

i. If the answer to question 11 is "yes" and the dollar amount is the same as that listed in question 7, place the graduate on the list of ineligible.

j. If the answer to question 12 is "no," place the graduate on the list of ineligible.

k. If the answer to question 13(a) is "no," place the graduate on the list of ineligible.

l. If the answer to question 13(b) is less than 4, place the graduate on the list of ineligible.

m. If the answer to question 13(c) includes the names of one or more companies or if the answer indicates that the graduate does not remember any names, continue to question 13(d).

n. If the graduate leaves 13(c) blank, send him a letter in the form set out in Appendix L and a copy of question 13(c).

o. If in response to Appendix L the graduate does not list the name and address of at least one company or state he does not remember, place his name on the list of ineligible.

p. Disregard questions 13(d) and 14 for purposes of determining eligibility.

q. If the answer to question 15 is "yes," place the graduate on the list of ineligible.

r. If the answer to question 16 is "yes," place the graduate on the list of ineligible.

s. Place all graduates who have not been placed on the list of ineligible on the list of eligible class members and determine the refund due.

It is your duty to determine whether a graduate is an eligible class member. If a returned questionnaire is not signed and notarized and the answers to the questions do not place the graduate on the list of ineligible, return the questionnaire to the graduate requesting that he sign it in the presence of a notary public. If the answer to a question is absent or unclear and the answers to the remaining questions do not place the graduate on the list of ineligible, you must write to him and request a clarification. If you receive no response, place the graduate on the list of ineligible. If you receive a response, use it, in conjunction with the other information you have, to determine if the graduate is eligible or ineligible.

Appendix L

[Name]

[Address]

Dear [Name]:

When you filled out a recent questionnaire regarding the course you took with Universal Training Service, you failed to answer question 13(c). It will be necessary for us to have an answer to this question before we can determine your eligibility for a tuition adjustment.

Please answer the enclosed copy of question 13(c) and return it in the enclosed postage prepaid envelope. If you do not remember the companies you contacted, so state.

If you lose the envelope, send the answer to [name and address of independent contractor].

[Independent Contractor]

Appendix M

Demand for Arbitration Through the American Arbitration Association

Date _____

To: American Arbitration Association, 140

West 51st Street, New York, New York

10020, Attn: Mr. Michael Hoellering.

From: [Name and Address of Requester]

Re: [Name and Address of Potentially Eligible Graduate]

Pursuant to the terms of the consent order between the Federal Trade Commission and Universal Training Service, an independent contractor has classified the above-named individual as [an eligible or ineligible] member of the restitution class. The

undersigned challenges that classification. It is requested that a determination be made as to the correct classification of the named individual.

Copies of the graduate's questionnaire, evidence relied upon by respondents and Commission staff and the requisite fee are enclosed herewith.

The undersigned alleges that the named individual is [an eligible or ineligible] class member because:

Signed,

Appendix N

Special Arbitration Rules for Negotiated Consent Order (Docket No. 9106) Between the Federal Trade Commission and Universal Training Service, Inc. for Arbitration Through the American Arbitration Association

I. Initiation of Arbitration

With respect to each potentially eligible graduate, for purposes of a tuition adjustment, Federal Trade Commission staff or respondents Universal Training Service, *et al.*, hereinafter "the party(ies)," shall initiate an arbitration proceeding within the time specified in Part II, Paragraph 19 of the order, by sending to the American Arbitration Association, hereafter "AAA," the following information and documents in duplicate:

1. A "Demand for Arbitration" in the language, manner, and form shown herein as Appendix M.

2. A copy of the Eligibility Questionnaire and a copy of all other documents relied upon by the independent contractor, Commission staff or respondents in connection with any of the provisions of Part II of the order. Respondents shall not rely upon information secured subsequent to September 29, 1978, directly or indirectly from the mailing of job information requests similar in form or substance to Appendix U; provided, however, that respondents may rely upon an employer's verification that a graduate secured employment in a specific occupation.

3. A copy of Part II of the order and the instructions to the independent contractor.

II. Appointment of Arbitrator

With respect to each matter for which a Demand for Arbitration is submitted, AAA shall appoint an arbitrator to arbitrate said dispute, and shall appoint another arbitrator whenever an appointed arbitrator is unable to serve promptly. All such arbitrators appointed by AAA, including any such arbitrators employed by AAA, shall be persons qualified by AAA as arbitrators.

III. Determination by Arbitrator as to Whether the Party Has a Reasonable Basis for Demanding Arbitration

Upon receipt of the Demand for Arbitration from the party, the arbitrator shall examine the accompanying documents described in Part I of these Rules and shall determine whether there is any factual basis for putting through arbitration the party's claim that the potentially eligible graduate was misclassified. In making the determination the arbitrator shall be limited to and bound by the standards and definitions of Part II of

the order, and the instructions to the independent contractor. If the arbitrator decides that the demand for arbitration by the requesting party is inconsistent with Part II of the order, the arbitrator shall so inform the requesting party by letter and shall close the case if the party, within ten (10) days after receipt of said letter, fails to provide the arbitrator with material facts which demonstrate that arbitration would not be inconsistent with Part II of the order.

IV. Evidence by Filing of Documents

All evidence submitted by parties to the arbitrated dispute shall consist of written information or documents. No oral testimony shall be accepted.

V. Relevancy and Materiality of Evidence

The arbitrator shall be the sole judge of the relevancy and materiality of the evidence offered.

VI. Transmittal of Evidence to Opposing Party

Upon determining that respondents' request for arbitration is not inconsistent with Part II of the order, the arbitrator shall mail to the non-requesting party copies of the requesting party's Demand for Arbitration and all documents submitted to the arbitrator by the requesting party.

VII. Additional Evidence

The arbitrator may request such additional evidence as he or she deems necessary from either party, the potentially eligible graduate or anyone else, before closing the arbitration and shall allow said individual fifteen (15) days after the date of said request to provide such evidence.

VIII. Arbitrator's Decision

With respect to each arbitration proceeding, and on the basis of evidence received pursuant to these Rules, the arbitrator shall render his or her decision within ten (10) days after said arbitration proceeding is closed. The arbitrator's decision shall be limited to whether the potentially eligible graduate was misclassified. The decision shall not be made solely on the failure of a party to submit rebuttal evidence or evidence requested. The decision shall be final and binding on all parties.

The AAA shall mail a notice of the arbitrator's decision to both parties and to the independent contractor without including in said notice any detailed findings of fact or opinion.

IX. Burden of Proof

In all cases referred to arbitration, the requesting party shall carry the burden of proof to establish that a potentially eligible graduate was misclassified.

X. General Provisions

A. To the extent not inconsistent with these special Rules, the Commercial Arbitration Rules of AAA shall apply to proceedings under these Rules.

B. Either party may have evidence submitted under these Rules by an attorney

representing said party. However, use of an attorney is not required.

XI. Costs

The administrative fee payable to the AAA for each matter submitted to arbitration shall be \$100.00. When the requesting party demands arbitration, it shall tender said fee with its Demand for Arbitration.

XII. Nothing in These Rules Shall Invalidate or Restrict Any Right or Remedy of Any Consumer Under Any State or Federal Law

Appendix O

[Name]
[Address]

Dear [Name]:

In accordance with an agreement between the United States Federal Trade Commission and Universal Training Service, Universal has consented to an order whereby Universal shall make adjustments in tuition for certain individuals who graduated from Universal's schools between January 11, 1975 and January 11, 1978.

The order of the Commission contains the provisions identifying the class of persons eligible for adjustments, and the procedures for making adjustments. (You may obtain a copy of the order without charge by writing to the Federal Trade Commission, Public Reference Branch, Room 130, Washington, D.C. 20580. Refer to Universal Training Service, Inc., Docket No. 9106).

In accordance with the provisions of the order, it has been determined that you are entitled to a tuition adjustment of \$_____.

Pursuant to the Commission's order, to get a refund you must sign and return the enclosed release which waives any legal claims against Universal for additional refunds. It is important that you return the release in the enclosed postage paid envelope within 14 days after you receive this letter.

Under terms of the order you will receive $\frac{1}{3}$ of the sum above after a signed release is returned, $\frac{1}{3}$ at the end of one year and the remaining $\frac{1}{3}$ at the end of two years. We will need your most current address in order to send you refunds. Therefore, make sure you let us know if you move.

If you lose the envelope, send the release to [name and address of independent contractor].

[Independent Contractor]

Appendix P

Release

In consideration of the partial refund payment to be made to me pursuant to the Federal Trade Commission's order issued in Docket 9106, I hereby release Universal Training Service, Inc., [name of school attended by the graduate], and all of its affiliates from any and all further claims, known or unknown, with respect to or relating to my tuition for a Universal course.

(Signature)

(Date)

Print name and address:

Appendix Q

Important Notice

Pursuant to an order of the Federal Trade Commission, Universal Training Service agreed to make a partial tuition adjustment to certain former students in its courses. The order of the Commission contains provisions identifying the class of persons eligible for adjustments and the procedures for making adjustments.

In accordance with Part II of the order, it has been determined, based upon your response to the "Eligibility Questionnaire," that you are not eligible for an adjustment. A copy of this order may be obtained from the Federal Trade Commission, Public Reference Branch, Room 130, Washington, D.C. 20580, without charge. Refer to Universal Training Service, Inc., Docket No. 9106.

[Independent Contractor]

Appendix R

[Name]
[Address]

Dear [Name]:

Enclosed is a check for the first one-third of your tuition refund pursuant to the Federal Trade Commission order against Universal Training Service about which you were informed. To make sure that you receive the remaining parts of your refund, please notify [name and address of independent contractor] of a change in your name or address.

Universal Training Service, Inc.

Appendix S

[Name]
[Address]

Dear [Name]:

Enclosed is a check for the second one-third of your tuition refund pursuant to the Federal Trade Commission order against Universal Training Service about which you were informed. To make sure that you receive the remaining part of your refund, please notify [name and address of independent contractor] of a change in your name or address.

Universal Training Service, Inc.

Appendix T

[Name]
[Address]

Dear [Name]:

Enclosed is a check for the final one-third of your tuition refund pursuant to the Federal Trade Commission order against Universal Training Service about which you were informed. It will no longer be necessary for you to notify [name of independent contractor] of a change in your name or address.

Universal Training Service, Inc.

Appendix U

Dear Graduate,

We sincerely hope you have found success in the vocational field you trained for.

Are you working? If so, please tell us about it. The information requested below will keep your file current.

You may be interested to know that *Universal Schools* awards a \$10.00 cash bonus for each graduate who notifies us of his employment, past or present.

To qualify, you must have *either worked or are currently working* in a job that is related to your training program at the school.

If you are having difficulty finding a job, let us know, additional placement assistance will be forthcoming.

Universal Training Service, Inc.
Barbara Desi, Placement Director.

1. Name and address of employer _____
 2. What are your duties and job title where employed _____
 - 3. Since graduation have you ever worked in an occupation related to your training?
— Yes — No
 4. If yes, where did you work?
A. What were your duties? _____
B. How long did you work there? _____
- Signed _____
Student Number _____
Your mailing address _____

**UNIVERSAL TRAINING SERVICE,
INC.; DOCKET NO. 9106**

*Analysis of Proposed Consent Order to
Aid Public Comment*

The Federal Trade Commission has accepted an agreement to a proposed consent order from Universal Training Service, Inc., seven affiliate corporations, an affiliate partnership, and five individuals associated with the corporations and partnership. The business address of all named parties is 1901 N.W. Seventh Street, Miami, Florida 33125. In this analysis, "Universal" refers to all of these named parties.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint alleges that Universal committed deceptive and unfair acts and practices in violation of Section 5 of the Federal Trade Commission Act in connection with the sale of vocational school courses. Universal sold courses of instruction concerning heavy, equipment operation, tractor-trailer

driving, airline operations, motel management, insurance claim adjusting and investigating, diesel mechanics and other closely related fields. According to the complaint, Universal allegedly misrepresented that there was an urgent need or demand for graduates of these courses; that graduates could reasonably expect to obtain employment in the occupation for which they were purportedly trained; that graduates received high pay in these jobs; and that, for most of the graduates who requested placement assistance, Universal's placement service secured jobs in the subject fields of the courses offered.

The complaint further alleges that Universal failed to disclose certain material facts which, if known to prospective students, would be likely to affect their consideration of whether to purchase Universal's courses. These material facts included: (1) Factors considered by employers in hiring; (2) information concerning the success of previous students in obtaining jobs; (3) initial salaries received by former students who completed Universal's courses; and (4) the percentage of recent students who failed to complete their course of instruction. The complaint alleges that the failure to disclose these material facts was and is an unfair and deceptive practice in violation of Section 5 of the Federal Trade Commission Act.

Furthermore, the complaint alleges that Universal used false, misleading, deceptive or unfair acts or practices in selling courses of instruction which were of little value to students and that its failure to refund monies paid for such courses constitutes unfair acts or practices in violation of Section 5 of the Federal Trade Commission Act.

Part I of the consent order prohibits Universal from misrepresenting the employment opportunities available to graduates, the effectiveness or success of Universal's placement service in obtaining employment for graduates, and the extent of any placement assistance or service furnished by Universal to help its graduates obtain employment. Moreover, representations concerning the job potential for Universal students specifically and within employment markets generally are prohibited unless Universal provides information required by Paragraph 10, Part I of the order. These disclosure requirements of Paragraph 10 are designed to ensure that if the school desires to make earnings or job placement claims, the prospective student receives job placement and earnings information in a meaningful, non-deceptive manner.

Part I of the order also contains provisions intended to ensure that Universal will disclose to prospective students other material facts considered necessary for them to evaluate the possibility of securing employment upon completion of the Universal training. For example, before signing a contract with a prospective student of any tractor-trailer or truck driving course, Universal must advise that many employers of tractor-trailer or truck drivers require a minimum age of 21 years for drivers; that often preferential consideration is given to applicants who are 25 years or older; and that many employers give preferential consideration to driver applicants with actual tractor-trailer or truck driving experience. Similar disclosure requirements are mandated by the order for other courses offered by Universal.

The order also provides for a fourteen-day "cooling-off" period for purchasers of any of Universal's courses. A particular cancellation statement is required, and Universal is obligated to refund all monies paid by the student if this cancellation right is exercised.

In addition, the order prohibits Universal from making any representations for which Universal does not have a reasonable basis prior to the making of such claim.

At the time of the negotiation of the consent order, the Commission had not promulgated a final Trade Regulation Rule on Advertising, Disclosure, Cooling-Off and Refund Requirements Concerning Proprietary Vocational and Home Study Schools. The required disclosures of Paragraph 10, Part I of the order do not directly correspond with similar provisions in the proposed Rule before the Commission. To eliminate the possibility of inconsistent requirements, the order provides that order provisions regarding subjects covered by a Trade Regulation Rule shall be superseded by provisions of the Trade Regulation Rule, upon the effective date of such Rule.

Part II of the order contains the refund provisions. Universal must refund to each eligible student 75% of his net tuition paid, unless the total refunds due eligible students exceed \$750,000, less administrative costs. Should the total refunds due exceed this sum, then the refunds to each eligible student will be reduced on a pro rata basis.

The order establishes the criteria to determine which graduates of Universal are eligible for the partial refunds. To be eligible, a student must meet the following criteria: (1) Graduated from one of Universal's courses between January 11, 1975, and January 11, 1978; (2) took the course to get a job in a new or different field or to get a better job in the same field; (3) did not have all of his tuition paid for by an employer, or by a governmental agency other than the Veterans Administration; (4) after graduation, made a serious effort to find a job in the field of his training, including contacting at least four businesses for the purpose of getting a job; and (5) failed to get a job, or an offer for a job, in the field of his training.

Under the order, an independent contractor mails out questionnaires to Universal's former students who graduated within the eligible time period and based upon responses to these questionnaires determines whether students meet the eligibility requirements. However, the order provides that both the Commission staff and Universal can challenge these determinations. If any disputes concerning eligibility are not resolved among the parties, the order further provides for an arbitration process with the American Arbitration Association making the final determination.

The order provides that the refunds will be made in three equal installments. The first installment must be sent within 15 days after Universal receives from the independent contractor the final list of eligible students. The remaining two payments are to be distributed at one year intervals.

Part III of the order contains a provision concerning distribution of the order to company personnel, provisions requiring notification to the Commission of change in corporate structure and of change in the employment of the individuals signing the order, and compliance report requirements.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,
Secretary.

[File No. 9106]

[FR Doc. 79-12369 Filed 4-23-79; 8:49 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[18 CFR Parts 2, 4, and 16]

Applications for Licenses for Major Projects—Existing Dams; Notice of Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The proposed rulemaking would amend the Commission's regulations concerning applications for licenses for water power projects under Part I of the Federal Power Act. More specifically, the rulemaking would amend the regulations governing the content of applications for licenses for "major" projects (capacity greater than 1.5 MW) which utilize, or would utilize, the water power potential of existing dams only.

DATES: Written comments must be received on or before May 25, 1979.

ADDRESS: Comments referring to Docket No. RM79-36 should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Mr. Howard Jack, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 275-4269.

SUPPLEMENTARY INFORMATION:

Notice is hereby given that the Federal Energy Regulatory Commission (Commission) proposes to amend certain of its regulations concerning applications for licenses for water power projects under Part I of the Federal Power Act (Act). The amended regulations pertain to applications for licenses for "major" projects (capacity greater than 1.5 MW) which utilize, or would utilize, the water power potential of existing dams only. The regulations therefore govern applications which seek: (1) An initial license¹ for an existing hydroelectric project with total installed and proposed capacity greater than 1.5 MW; (2) a new license² for an existing hydroelectric project with total installed and proposed capacity greater than 1.5 MW; or (3) an initial license for a proposed hydroelectric project at an

¹"Initial license" is defined as the first license issued for a water power project under either the Federal Water Power Act of 1920 or the Federal Power Act.

²"New license" is defined as any license for a water power project that is issued under the Federal Power Act to succeed an initial license for that project, except an annual license issued under Section 15(a) of that Act, 16 U.S.C. § 806(a).

existing dam or dams, with proposed capacity greater than 1.5 MW. The projects in these categories are referred to generically as "major projects—existing dams."

I. Background

Congress provided in Title IV of the Public Utility Regulatory Policies Act (PURPA) component of the National Energy Act for a program whereby the Secretary of Energy will grant loans for feasibility studies and for construction of small hydroelectric projects (capacity of 15 MW or less) located at existing dams. The Commission is charged under Section 405 of PURPA, 92 Stat. 3156, with establishing simple licensing procedures for projects eligible under the PURPA provisions.

In the interest of acting more promptly on all license applications, and in anticipation of the enactment of PURPA, the Commission determined in 1978 to carry out a thorough reform of its requirements and procedures for license applications. The first phase of this reform was instituted in September 1978, with issuance of a rulemaking on the "short-form" license procedures applicable to all "minor" projects (capacity of 1.5 MW or less).³

On March 5, 1979, the Commission issued a notice of proposed rulemaking which prescribes general filing requirements and evaluation procedures applicable to both preliminary permit and license applications, and which simplifies the regulations relating specifically to applications for preliminary permits, amendments to permits, and cancellation of permits.⁴

The regulations proposed in this notice subsume the remainder of the projects which fit the criteria of the PURPA provisions and which were not embraced by the "short-form" regulations. Since the equities which warrant streamlined requirements and procedures for proposed hydroelectric projects at existing dams are applicable to existing hydroelectric projects as well, the scope of this rulemaking has

³Order No. 11, Docket No. RM78-9, 43 Fed. Reg. 40215 (September 11, 1978). The 1.5 MW capacity criterion was based on the fact that the Commission is authorized under Section 10(f) of the Act, 16 U.S.C. § 803(f), to give less intensive scrutiny to such minor projects. Since the capacity limitation prescribed in PURPA is 15 MW, the first phase of the reform covered only a portion of the projects that would be eligible under the PURPA program.

⁴Docket No. RM79-23, 44 Fed. Reg. 12432 (March 7, 1979). On April 6, 1979, the Commission's Secretary granted a request by the Sierra Club Legal Defense Fund to extend the time for comments on those proposed regulations to April 30, 1979. The regulations proposed in this rulemaking refer to, and may be read in conjunction with, the regulations proposed in Docket No. RM79-23.

been made as inclusive as possible in order to maximize its benefits.

The existing requirements for the types of license applications which fit this rulemaking are scattered through various parts of Title 18 of the Code of Federal Regulations. Substantive requirements applicable to one or all of these applications may be found in §§ 2.80 and 2.81, Appendix A to Part 2, §§ 4.40-4.51, § 16.6, and § 131.2 of Title 18. In following these regulations, a potential applicant faces the prospect of meeting information requirements embodied in at least 12 itemized paragraphs and up to 23 exhibits.

In preparing the amended regulations set forth in this notice, we have attempted in several ways to ease the burden of compliance. First, we have tried to reduce the requested information to the bare minimum that is needed for the Commission to carry out its duties under existing law⁵ in an informed and responsible manner. For example, among other superfluous requests for information, the provisions requiring extensive documentation of the nature of the applicant, its authority to file the application, and its compliance with state laws, have been discarded.⁶

Second, we have attempted to consolidate requests for information according to related subject matter. All paragraphs and exhibits requesting information on environmental matters,⁷ for instance, have been consolidated into the Exhibit E (environmental report) required under proposed § 4.51(f). Rational organization of the requirements should reduce confusion and redundancy in the materials submitted.

Finally, we have endeavored to minimize the element of subjective interpretation in our requirements by reducing the requests for information, where possible, to simple, objective descriptions of what is desired. Moreover, the services of our staff are

offered to assist in overcoming any unavoidable problems of interpretation. We hope that clearer, simpler requirements and a cooperative effort will help us avoid the application deficiencies that have plagued our licensing program in the past.

We now proceed to a description and explanation of the proposed regulations.

II. Description of proposed regulations

§ 4.50 *Applicability and definitions.*

This section states that §§ 4.50 and 4.51 pertain to any application for either an initial license, or a new license, for a major project—existing dam. The section also provides definitions of certain key terms which appear in §§ 4.50 and 4.51. The definition of "major project—existing dam" makes clear that proposed construction or repair with certain environmental consequences will remove an application from the purview of these sections.⁸ Finally, the section offers the assistance of the Commission staff in determining whether §§ 4.50 and 4.51 apply to a given project.

§ 4.51 *Contents of application.*

This section contains the specific requirements governing the contents of an application for a license for a major project—existing dam. The requirements are embodied in an initial statement and seven lettered exhibits.

Initial statement

The initial statement provides certain basic information necessary for identification and orientation purposes, including the nature of the application, the names and business addresses of the applicant and its authorized agents, the nature of the applicant, and the name and location of the project. The applicant is also required to state that it has complied with the laws of the State where the project is located with respect to obtaining property rights and the rights to appropriate, divert, and use water for power purposes, and with respect to obtaining authorization to engage in the business of producing, transmitting, and distributing power and any other business necessary to accomplish the purposes of the requested license.⁹

⁸ Section 408(b) of PURPA, 92 Stat. 3157, defines "existing dam" as any dam, the construction of which was completed on or before April 20, 1977, and which does not require any construction or enlargement of impoundment structures (other than repairs or reconstruction) in connection with the installation of hydroelectric capacity.

⁹ See Section 9(b) of the Act, 16 U.S.C. § 802(b), and fn. 6, *supra*.

Exhibit A

This exhibit provides a description of the physical structures and features of the project. If the project includes more than one dam and associated facilities, each such discrete development must be described separately. The exhibit also includes a tabulation of any lands of the United States that are enclosed within the project boundary. This tabulation is necessary in order to record accurately the lands which have been reserved from entry, location, or other disposal pursuant to Section 24 of the Act, 16 U.S.C. 818.

Exhibit B

This exhibit provides a statement of project operation and resource utilization. The exhibit calls for a description of the available resource (flow and head) and technical documentation of the manner in which the applicant proposes to utilize that resource for the generation of power. The applicant must also explain how it intends to dispose of the power. Finally, the applicant must describe any plans for future hydroelectric development on the affected stream. The information in this exhibit will assist the Commission in determining whether the applicant's existing or proposed development and operation comport with optimum development of the waterway, as required by Section 10(a) of the Act, 16 U.S.C. 803(a).

Exhibit C

This exhibit provides a construction history and a proposed construction schedule for the project. The construction history, which need only be filed if the applicant is seeking an initial license, calls for a tabulated chronology of construction for the existing project structures and facilities, including the dates of commencement and completion of construction or installation, and the dates of commencement of commercial operation. This information is requested for several reasons. First, if the project is located on a nonnavigable waterway, and the sole possible basis for the Commission's jurisdiction is the fact that the project affects the interests of interstate or foreign commerce, jurisdiction does not attach unless there has been "construction" at the project within the meaning of Section 23(b) of the Act, 16 U.S.C. § 817, at some time subsequent to enactment of the Public Utility Holding Company Act of 1935.¹⁰ Second, if the project is a constructed hydroelectric project located on a

⁵ Section 405 of PURPA provides that the Commission's simplified licensing procedures must be "consistent with the applicable provisions of law," and that no project covered by the procedures will be exempted from "any requirement applicable to any such project under the National Environmental Policy Act of 1969, the Fish and Wildlife Coordination Act, the Endangered Species Act, or any other provision of Federal law."

⁶ See existing § 4.40(b) and § 4.41—Exhibits A—F. These requirements have been distilled to simple statements in the initial portion of the application under proposed § 4.51(a). Since the entire application is subscribed and verified under § 1.16 of our rules, the statements themselves would suffice as evidence. Additional information could be requested in cases where it is needed.

⁷ See existing § 2.80, Appendix A to Part 2, § 4.40(k) and (l), and § 4.41—Exhibits H, R, S, V, and W.

¹⁰ *Farmington River Power Co. v. FPC*, 455 F.2d 80 (2nd Cir. 1972); *Puget Sound Power & Light Co. v. FPC*, 557 F.2d 1311 (9th Cir. 1977).

navigable waterway, Commission policy may call for backdating of the effective date of the license or retroactive assessment of annual charges to the date of unauthorized construction.¹¹ Finally, substantial reconstruction may have the effect of bringing to an end an *ad hoc* Congressional authorization for the project which antedated the Federal Water Power Act of 1920.¹² An applicant seeking a license for a proposed project at an existing dam would only be expected to give approximate dates for the dam and any other existing structures.

The proposed construction schedule is required only if new development at the project is proposed. The schedule would aid in a precise understanding of what is being proposed, and would facilitate establishment of a construction timetable in the license, if issued, as required by Section 13 of the Act, 16 U.S.C. 806.

Exhibit D

This exhibit provides a statement of costs and financing. If the applicant seeks a new license for a constructed project, and is not a municipality or a state, it must provide an estimate of the amount that would be payable if the United States exercised its right to take over the project upon expiration of the initial license pursuant to Section 14 of the Act, 16 U.S.C. 807.

If the applicant seeks an initial license, information concerning the original cost of land or water rights and existing project works must be provided. The Commission is required by Section 4(b) of the Act, 16 U.S.C. 797(b), to obtain information on the original cost of a project.

Estimated costs of any proposed new development and estimated annual costs must also be provided, as well as information concerning the value of project power to the applicant and the sources and extent of financing and annual revenues available to meet the estimated costs. This information would enable the Commission to assess the economic and financial viability of the project.

Exhibit E

This exhibit provides a report on the environmental resources of the project, the impacts of the project on those

resources, and the proposed measures to mitigate the impacts or to protect and enhance the resources. The information required in this exhibit is, in many respects, less detailed and extensive than the information required by the existing regulations governing applications for all major projects (see fn. 7, *supra*). The less stringent requirements are justified on the basis that the significant impacts associated with construction of the dams and creation of the impoundments have already occurred.¹³ Sufficient information is required in this multifaceted exhibit¹⁴ to ensure that any further impacts will be identified and taken into account pursuant to the National Environmental Policy Act of 1969 and other applicable law.¹⁵

The exhibit requires applicants to consult with other local, state, and federal agencies with expertise in environmental matters prior to filing their applications. Under our existing regulations and procedures, other agencies frequently are not even aware that development is being proposed until after the application has been filed with the Commission. Proceedings must often be delayed while agencies consider the effects of projects on their areas of responsibility and fashion recommendations. With preapplication consultation, problem issues will be identified and addressed at an earlier point in the process, and the Commission's own required consultation with other agencies will be expedited.¹⁶

¹³ Proposed § 4.50(b)(5), which defines "major project—existing dam," makes clear that these provisions will not apply if proposed repair or reconstruction of the existing dam would result in a significant increase in the normal maximum surface area or normal maximum surface elevation of an existing impoundment, or if any new development or change in project operation would result in a significant environmental impact.

¹⁴ The exhibit must include reports on water use and quality; fish, wildlife, and botanical resources; historical and archeological resources; recreation resources; and land management and aesthetics.

¹⁵ See, e.g., *Udall v. FPC*, 387 U.S. 428 (1967); *Scenic Hudson Preservation Conference v. FPC*, 354 F.2d 608 (2nd Cir. 1965), cert. den. 384 U.S. 941 (1966). See also Sections 10(a) and 18 of the Federal Power Act, 16 U.S.C. 803(a) and 811; the National Historic Preservation Act, 16 U.S.C. 470 *et seq.*; the Fish and Wildlife Coordination Act, 16 U.S.C. 661 *et seq.*; the Anadromous Fish Conservation Act, 16 U.S.C. 757a *et seq.*; the Wild and Scenic Rivers Act, 16 U.S.C. 1271 *et seq.*; the Endangered Species Act, 16 U.S.C. 1531 *et seq.*; and the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 *et seq.*

¹⁶ Several statutes, including PURPA, require the Commission to consult with other agencies. Section 405 of PURPA provides that, prior to issuing a license for a project which fits the PURPA criteria, the Commission must "provide an opportunity for consultation with the Council on Environmental Quality and the Environmental Protection Agency with respect to the environmental effects of such project." This duty will be carried out in accordance

Exhibit F

This exhibit consists of general design drawings of the principal project works. The drawings must show plans, elevations, profiles, and sections for each structure, and must be accompanied by sufficient information concerning structural strength and stability and other controlling factors to demonstrate that the structures are safe and adequate for their stated functions. See Section 10(c) of the Act, 16 U.S.C. 803(c).

Detailed working drawings showing the precise plans and specifications for proposed project structures are not to be filed with the application, but should be prepared for the purposes of construction and retained after construction is completed as permanent project records.

Exhibit G

The final exhibit is a map of the project. The map must show the geographical location of the project, the physical interrelationships of project works and other features, a project boundary enclosing the project works and all lands and waters necessary for project purposes, and any lands of the United States that are within the project boundary.

III. Other proposed changes and deletions

Besides the described amendments to §§ 4.50 and 4.51, we propose certain other changes to the existing rules and regulations. Section 2.81(a) of our general rules concerning compliance under Part I of the Federal Power Act with the National Environmental Policy Act of 1969 has been amended to reflect the new bifurcated approach to environmental reporting based on the nature of the application.

Section 16.6 of the regulations governing applications for new licenses has been deleted. Most of the provisions of § 16.6 have been incorporated in the amended § 4.51. The provisions of § 16.6(e), which requires a licensee-applicant who is not a municipality or a state to file a statement on the effect that takeover by the United States or issuance of a license to another applicant would have upon the supply of electric energy to the system with which it is interconnected, the rates charged its customers, its financial condition, and taxes collected by local, state, and

with our established procedures for consultation during the license application review process. Moreover, in certain circumstances, other agencies may have concurrent jurisdiction with respect to authorization of a project. Prior consultation by applicants will facilitate coordination with these other agencies.

¹¹ Opinion No. 357, *Public Service Co. of New Hampshire*, Project No. 2288, 27 F.P.C. 830 (1962); *Central Maine Power Co. v. FPC*, 345 F.2d 875 (1st Cir. 1965); *Bangor Hydro-Electric Co. v. FPC*, 355 F.2d 13 (1st Cir. 1966); *Niagara Mohawk Power Corp. v. FPC*, 379 F.2d 153 (D.C. Cir. 1967).

¹² *Northwest Paper Co. v. FPC*, 344 F.2d 47 (8th Cir. 1965); *Minnesota Power & Light Co. v. FPC*, 344 F.2d 53 (8th Cir. 1965).

federal governments, have been eliminated entirely. In a situation where there is a competing application, or a recommendation for federal takeover may be desirable, this information could be requested as a supplemental filing. If such situations become commonplace, the requirement could be reinstated in the regulations.

IV. Written comment procedures

The Commission invites interested persons to submit written comments on the matters proposed in this notice. An original and 14 copies of such comments should be filed with the Commission by May 25, 1979. Comments submitted by mail should be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. All comments should refer to Docket No. RM79-36.

Written comments will be placed in the Commission's public files and will be available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Commission will consider all timely comments before acting on the matters proposed in this notice.

(Federal Power Act, as amended, 16 U.S.C. 792 *et seq.*; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Public Utility Regulatory Policies Act, Pub. L. 95-617, 92 Stat. 3117 *et seq.*; and Executive Order 12009, 42 FR 46267)

In consideration of the foregoing, the Commission proposes to amend Part 2 of Subchapter A and Parts 4 and 16 of Subchapter B, Chapter I, Title 18, Code of Federal Regulations, as set forth below.

By direction of the Commission.

Lois D. Cashell,
Acting Secretary.

(A) Section 2.81(a) is amended to read as follows:

§ 2.81 Compliance with the National Environmental Policy Act of 1969 under Part I of the Federal Power Act.

(a) Any application under Part I of the Federal Power Act for a license for a major hydroelectric project (capacity greater than 2,000 hp) which is completely unconstructed, or which includes a proposed change in the existing state of project works or project operation which would result in a significant increase in the normal maximum surface area or normal maximum surface elevation of an existing impoundment, or in a significant environmental impact, must include an environmental report which conforms to the requirements of § 4.41—Exhibit W,

§ 2.80, and Appendix A of Part 2 of this chapter. Any application for a license for a major project—existing dam as defined in § 4.50(b) must include an environmental report which conforms to the requirements of § 4.51(f) (Exhibit E). Any application for surrender or amendment of a license that proposes a change in the existing state of project works or project operation which would result in a significant increase in the normal maximum surface area or normal maximum surface elevation of an existing impoundment, or in a significant environmental impact, must include an environmental report which conforms to the requirements of § 2.80 and Appendix A of Part 2 of this chapter. Any application for surrender or amendment of a license that proposes a change in the existing state of project works or project operation which would not have any of the effects described above must include an environmental report which conforms to the requirements of § 4.51(f). A prospective applicant may seek advice from the Commission staff concerning whether any proposed change in the existing state of project works or project operation would result in a significant increase in the normal maximum surface area or normal maximum surface elevation of an existing impoundment, or in a significant environmental impact [see § 4.31(g)].

(B) The center heading that appears above § 4.50 and §§ 4.50 and 4.51 are amended by deleting the existing center heading sections and replacing them with the following:

Application for License for Major Project—Existing Dam

§ 4.50 *Applicability and definitions.*

(a) The provisions of §§ 4.50 and 4.51 pertain to any application for either an initial license, or a new license, for a major project—existing dam.

(b) For the purposes of these sections:

(1) "Dam" means any structure for impounding water;

(2) "Existing dam" means any dam that has been completely constructed;

(3) "Existing impoundment" means any body of water that an existing dam impounds;

(4) "Initial license" means the first license issued for a water power project under either the Federal Water Power Act of 1920 or the Federal Power Act;

(5) "Major project—existing dam" means a licensed or unlicensed, existing or proposed water power project that, as proposed to be licensed:

(i) Would have a total installed generating capacity of more than 2,000 hp (1.5 MW);

(ii) Would not use the water power potential of any dams except existing dams;

(iii) Does not include any proposed repair or reconstruction of an existing dam that would result in a significant increase in the normal maximum surface area or the normal maximum surface elevation of an existing impoundment; and

(iv) Does not include any proposed new development or change in project operation that would result in a significant environmental impact;

(6) "New development" means any construction, installation, repair, reconstruction, or other change in the existing state of project works or appurtenant facilities; and

(7) "New license" means any license for a water power project that is issued under the Federal Power Act to succeed an initial license for that project, except an annual license issued under Section 15 of the Federal Power Act.

(c) A prospective applicant for a major license—existing dam may seek advice from the Commission staff regarding the applicability of these sections to its project [see § 4.31(g)], including the determinations whether any proposed repair or reconstruction of an existing dam would result in a significant increase in the normal maximum surface area or the normal maximum surface elevation of an existing impoundment, or whether any proposed new development or change in project operation would result in a significant environmental impact.

§ 4.51 Contents of application.

Each application for a license for a major project—existing dam must include the following initial statement and lettered exhibits containing the information and documents specified:

(a) Initial statement:

Before the Federal Energy Regulatory Commission

Application for License for Major Project—Existing Dam

1. [Name of applicant] applies to the Federal Energy Regulatory Commission for a [license or new license, as appropriate] for the [name of project] water power project, as described in the attached exhibits. [(If a project number has been assigned previously): The project is currently designated as FERC Project No. [project number].]

2. The location of the project is:

State or territory: _____

County: _____

Township or nearby town: _____

Stream or other body of water: _____

3. The exact name and business address of the applicant are:

The exact name and business address of each person authorized to act as agent for the applicant in this application are:

4. [Name of applicant] is a [citizen, association of citizens, domestic corporation, municipality, or state, as appropriate].

5. [Name of applicant] has complied with the laws of [State or territory where the project is located] with respect to obtaining property rights and the rights to appropriate, divert, and use water for power purposes, and with respect to obtaining authorization to engage in the business of producing, transmitting, and distributing power and any other business necessary to accomplish the purposes of the requested license.

(b) *Exhibit A* is a description of the project. If the project includes more than one dam and associated facilities, the associated component parts must be described together as a discrete development. The description must contain:

(1) The physical composition, dimensions, general configuration, and condition (where applicable) of any dams, spillways, penstocks, powerhouses, tailraces, or other structures, whether existing or proposed, to be included as part of the project;

(2) The normal maximum surface area and normal maximum surface elevation (mean sea level), gross storage capacity, and usable storage capacity of any impoundments to be included as part of the project;

(3) The number, type, rated capacity, and condition (where applicable) of any turbines or generators, whether existing or proposed, to be included as part of the project;

(4) The number, length, voltage, interconnections, and condition (where applicable) of any primary transmission lines, whether existing or proposed, to be included as part of the project [see 16 U.S.C. 796(11)];

(5) The specifications and condition (where applicable) of any additional mechanical, electrical, and transmission equipment appurtenant to the project; and

(6) All lands of the United States that are enclosed within the project boundary described under paragraph (h) of this section (Exhibit G), identified and tabulated by legal subdivisions of a public land survey of the affected area or, in the absence of a public land survey, by the best available legal description. The tabulation must show the total acreage of the lands of the United States within the project boundary.

(c) *Exhibit B* is a statement of project operation and resource utilization. If the project includes more than one dam and associated facilities, the information must be provided separately for each such discrete development. The statement must contain:

(1) A statement whether operation of the power plant will be manual or automatic, an estimate of the annual plant factor, and a statement of how the project will be operated during periods of low, average, and high stream flow;

(2) An estimate of the dependable capacity and average annual energy production in kilowatt-hours (or a mechanical equivalent), supported by the following data:

(i) The minimum, average, and maximum flow in cubic feet per second of the stream or other body of water at the power plant intake or point of diversion, with a specification of any adjustments made for evaporation, leakage, minimum flow releases (including duration of releases), or other reductions in available flow, a flow duration curve indicating the period of record and the gaging stations used in deriving the curve, and a specification of the period of critical streamflow used to determine the dependable capacity;

(ii) An area-capacity curve showing the gross storage capacity and usable storage capacity of the impoundment, with a rule curve showing the proposed operation of the impoundment and how the usable storage capacity is to be utilized;

(iii) The estimated hydraulic capacity of the plant (maximum flow through the plant) in cubic feet per second;

(iv) A tailwater rating curve; and

(v) A curve showing plant capability versus head and specifying maximum, normal, and minimum heads;

(3) A statement, with load curves and tabular data, if necessary, of the manner in which the power generated at the project is to be utilized, including the amount of power to be used on-site, if

any, the amount of power to be sold, and the identity of any proposed purchasers; and

(4) A statement of the applicant's plans, if any, for future development of the project or of any other existing or proposed hydroelectric project on the stream or other body of water, indicating the approximate location and estimated installed capacity of the proposed developments.

(d) *Exhibit C* is a construction history and proposed construction schedule for the project. The construction history and schedule must contain:

(1) If the application is for an initial license, a tabulated chronology of construction for the existing project structures and facilities described under paragraph (b) of this section (Exhibit A), specifying for each structure or facility, to the extent possible, the actual or approximate dates of: (i) commencement and completion of construction or installation; (ii) commencement of commercial operation; and (iii) any additions or modifications other than routine maintenance (approximate dates must be identified as such); and

(2) If any new development is proposed, a proposed schedule describing the necessary work and specifying the intervals following issuance of a license when the work would be commenced and completed.

(e) *Exhibit D* is a statement of costs and financing. The statement must contain:

(1) If the application is for an initial license, a tabulated statement providing the actual or approximate original cost of: (i) any land or water rights necessary to the existing project; and (ii) each existing structure and facility described under paragraph (b) of this section (Exhibit A) (approximate costs must be identified as such);

(2) If the applicant is a licensee applying for a new license, and is not a municipality or a State, an estimate of the amount which would be payable if the project were to be taken over pursuant to Section 14 of the Federal Power Act upon expiration of the license in effect [see 16 U.S.C. 807], including (i) fair value; (ii) net investment; and (iii) severance damages;

(3) If the application includes proposals for any new development, a statement of estimated costs, including:

(i) The cost of any land or water rights necessary to the new development; and

(ii) The cost of the new development work, with a specification of: (A) quantity, unit costs, and total costs of each item; (B) indirect construction costs such as costs of construction equipment, camps, and commissaries; and (C)

overhead construction costs, such as costs of engineering, supervision of construction, legal expenses, taxes, allowance for funds used during construction, administrative or general expenses, and, if necessary, contingencies:

(4) A statement of the estimated annual costs of the total project as proposed, including: (i) Cost of capital (equity and debt); (ii) local, state, and federal taxes; (iii) depreciation or amortization; and (iv) operation and maintenance expenses, including interim replacements, insurance, and administrative or general expenses;

(5) A statement of the value to the applicant of project power in mills per kilowatt-hour (or per mechanical energy equivalent), supported by a showing of either the cost of obtaining an equivalent amount of power from alternative sources or the contract price for sale of the power; and

(6) A statement specifying the sources and extent of financing and annual revenues available to the applicant to meet the costs identified in paragraphs (e)(3) and (4) of this section.

(f) *Exhibit E* is an environmental report. The report must be prepared in consultation with local, state, and federal agencies with expertise in environmental matters. The names and addresses of these agencies may be obtained from the Director, Division of Licensed Projects. Information provided in the report must be organized and referenced according to the itemized subparagraphs below. If a request for information is not applicable, the applicant must explain briefly why it does not apply. The environmental report must contain the following elements:

(1) *General description of locale.* The applicant must provide a general description of the environment of the project and its immediate vicinity. The description must include general information concerning climate, topography, vegetative cover, land development, population size and density, and any other subjects helpful to an understanding of the setting.

(2) *Report on water use and quality.* The applicant must provide a report on the consumptive use of project waters and the impact of the project on water quality. The report must be prepared in consultation with the state and federal agencies with responsibility for management of water quality in the affected stream or other body of water. Consultation must be documented by appending to the report copies of all written communications between the

applicant and the agencies consulted.

The report must contain:

(i) A description (including specified volume over time) of existing and proposed uses of project waters for irrigation, domestic water supply, steam generation, plant cooling, industrial, and other consumptive purposes;

(ii) A description of existing water quality in the project impoundment and downstream;

(iii) A description of any minimum flow releases (specifying rate of flow in cubic feet per second (cfs) and duration), changes in the design of project works, changes in project operation, or other measures recommended by specified state or federal agencies for the purpose of protecting or improving water quality, including measures to minimize the short-term impacts to water quality of any proposed new development of project works;

(iv) A statement of the measures taken currently or proposed by the applicant for the purpose of protecting or improving water quality, including: (A) a description of any existing measures that the applicant proposes to continue; (B) specification of any of the recommended measures described under paragraph (f)(2)(iii) of this section, that the applicant proposes to implement, with an explanation of the applicant's nonacceptance or the remaining recommended measures, if any; and (C) a description of any different or additional measures that the applicant proposes to implement;

(v) A description of the anticipated net impact on water quality of continued operation of the project; or of proposed new development of project works or changes in project operation; and

(vi) As an appendix, either: (A) a copy of a water quality certification (or statement that such certification is waived) issued pursuant to Section 401 of the Federal Water Pollution Control Act, as amended [see 33 U.S.C. 1341], by the U.S. Environmental Protection Agency or the state agency with authority to administer the section 401 program; or (B) a copy of a dated letter from the applicant to the appropriate agency requesting certification under Section 401.

(3) *Report on fish, wildlife, and botanical resources.* The applicant must provide a report on the fish, wildlife, and botanical resources in the vicinity of the project and the impact of the project on those resources. The report must be prepared in consultation with any state agency with responsibility for fish, wildlife, or botanical resources, the U.S. Fish and Wildlife Service, the

National Marine Fisheries Service (if the project may affect anadromous fish resources subject to that agency's jurisdiction), and any other state or federal agency with managerial authority over any part of the project lands. Consultation must be documented by appending to the report copies of all written communications between the applicant and the agencies consulted. The report must contain:

(i) A description of the fish, wildlife, and botanical resources of the project and its vicinity, and of downstream areas affected by the project, including identification of any species listed as threatened or endangered by the U.S. Fish and Wildlife Service [see 50 CFR 17.11 and 17.12];

(ii) A description of any measures or facilities recommended by specified state or federal agencies for the mitigation of impacts on fish, wildlife, and botanical resources, or for the protection or improvement of such resources;

(iii) A statement of the measures or facilities that exist or are proposed by the applicant for the mitigation of impacts on fish, wildlife, and botanical resources, or for the protection or improvement of such resources, including: (A) a description of any existing measures or facilities that would be continued or maintained; (B) specification of any of the recommended measures or facilities described under paragraph (f)(3)(ii) of this section, that the applicant proposes to implement or construct, with an explanation of the applicant's nonacceptance of the remaining recommended measures or facilities, if any; and (C) a description of any different or additional measures or facilities that the applicant proposes to implement or construct;

(iv) A description of the anticipated net impacts on fish, wildlife, and botanical resources of continued operation of the project, or of proposed new development of project works or changes in project operation; and

(v) The following materials and information regarding the measures and facilities identified under subparagraph (3)(iii) as either existing or proposed for implementation or construction:

(A) Functional design drawings of any fish passage and collection facilities, indicating whether the facilities depicted are existing or proposed (these drawings must conform to the specifications of § 4.32 regarding dimensions of full-size prints, scale, and legibility);

(B) A description of operation and maintenance procedures for any measures or facilities, indicating

whether the measures or facilities are existing or proposed;

(C) An implementation and construction schedule for any proposed measures or facilities, showing the intervals following issuance of a license when implementation of the measures or construction of the facilities would be commenced and completed;

(D) An estimate of the costs of construction, operation, and maintenance of any proposed facilities, and of implementation of any measures;

(E) A statement of the sources and extent of financing for any proposed measures or facilities, including a description and explanation of any agreements regarding financing of the measures or facilities by others; and

(F) A map or drawing showing by the use of shading, cross-hatching, or other symbols the identity and location of any measures or facilities, indicating whether each measure or facility is existing or proposed (the map or drawing may be consolidated with other maps or drawings required in this exhibit and must conform to the specifications of § 4.32 regarding dimensions of full-size prints, scale, and legibility).

(4) *Report on historical and archeological resources.* The applicant must provide a report on the historical and archeological resources in the project area and the impact of the project on those resources. The report must be prepared in consultation with the State Historic Preservation Officer and the U.S. Heritage Conservation and Recreation Service. Consultation must be documented by appending to the report copies of all written communications between the applicant and the agencies consulted. The report must contain:

(i) Identification of any sites either listed or determined to be eligible for inclusion in the National Register of Historic Places that are located in the project area, or that would be affected by operation of the project or by new development of project facilities (including facilities proposed in this exhibit);

(ii) A description of any measures recommended by specified state or federal agencies for the purpose of locating, identifying, and salvaging historical or archaeological resources that would be affected by operation of the project, or by new development of project facilities (including facilities proposed in this exhibit), together with a statement of the applicant's position regarding the acceptability of the recommendations; and

(iii) The following materials and information regarding the survey and salvage activities described under paragraph (f)(4)(ii) of this section:

(A) A schedule for the activities, showing the intervals following issuance of a license when the activities would be commenced and completed;

(B) An estimate of the costs of the activities; and

(C) A statement of the sources and extent of financing for the activities, including a description and explanation of any agreements regarding financing of the activities by others.

(5) *Report on recreation resources.* The applicant must provide a report on existing and proposed recreation facilities and opportunities at the project. The report must be prepared in consultation with local, State, and regional recreation agencies and planning commissions, the U.S. Heritage Conservation and Recreation Service, and any other State or Federal agency with managerial authority over any part of the project lands. Consultation must be documented by appending to the report copies of all written communications between the applicant and the agencies consulted. The report must contain:

(i) A description of any existing recreational facilities at the project, indicating whether the facilities are available for public use;

(ii) An estimate of existing and potential recreational use of the project area in daytime and overnight visits;

(iii) A description of any measures or facilities recommended by specified local, State, regional, or Federal agencies for the purposes of creating or enhancing recreation opportunities at the project and its vicinity (including opportunities for the handicapped), and for the purpose of ensuring the safety of the public in its use of project lands and waters;

(iv) A statement of the measures or facilities proposed by the applicant for the purpose of creating or enhancing recreation opportunities at the project and its vicinity, and for the purpose of ensuring the safety of the public in its use of project lands and waters, including: (A) specification of any of the recommended measures or facilities described under subparagraph (f)(5)(iii) of this section, that the applicant proposes to implement or construct, with an explanation of the applicant's nonacceptance of the remaining measures or facilities, if any; and (B) a description of any different or additional measures or facilities that the applicant proposes to implement or construct; and

(v) The following materials and information regarding the measures and facilities identified under paragraphs (f)(5)(i) and (iv) of this section as either existing or proposed for implementation or construction:

(A) Identification of the entities responsible for operating and maintaining any existing or proposed facilities;

(B) A schedule for construction of any proposed facilities, showing the intervals following issuance of a license when construction of the facilities would be commenced and completed;

(C) An estimate of the costs of construction and maintenance of any proposed facilities;

(D) A statement of the sources and extent of financing for any proposed facilities, including a description and explanation of any agreements regarding financing of the facilities by others; and

(E) A map or drawing showing by the use of shading, cross-hatching, or other symbols the identity and location of any facilities, indicating whether each facility is existing or proposed (the map or drawing may be consolidated with other maps or drawings required in this exhibit and must conform to the specifications of § 4.32 regarding dimensions of full-size prints, scale, and legibility).

(6) *Report on land management and aesthetics.* The applicant must provide a report on the management of land within the proposed project boundary and the protection of the scenic values of the project. The report must be prepared following consultation with local and state zoning and land management authorities and any Federal agency with managerial authority over any part of the project lands. Consultation must be documented by appending to the report copies of all written communications between the applicant and the authorities consulted. The report must contain:

(i) A description of existing development and use of project lands and all other lands abutting the project impoundment;

(ii) A description of the measures proposed by the applicant, following consideration of the Commission's "Guidelines for the Protection of Natural, Historic, Scenic, and Recreational Values in the Design and Location of Rights-of-Way and Transmission Facilities" [see 44 F.P.C. 1496], to ensure that proposed project works, rights-of-way, access roads, and other topographic alterations blend, to the extent possible, with the surrounding environment;

(iii) A statement, including an analysis of costs and other constraints, of the applicant's ability to provide a buffer zone around all or any part of the impoundment, for the purpose of ensuring public access to project lands and waters and protecting the aesthetic values of the impoundment shoreline;

(iv) A description of the applicant's policy, if any, with regard to permitting development of piers, docks, boat landings, bulkheads, and other shoreline facilities on project lands and waters; and

(v) Sufficient maps, drawings, or photographs to show the location and nature of the measures proposed under subparagraph (6)(ii) to ensure that structures and other topographic alterations blend with the surrounding environment (maps or drawings may be consolidated with other maps or drawings required in this exhibit and must conform to the specifications of § 4.32 regarding dimensions of full-size prints, scale, and legibility).

(7) *List of literature.* The applicant must provide a list of all publications, reports, and other literature which were cited or otherwise utilized in the preparation of any part of the environmental report.

(g) *Exhibit F* consists of general design drawings of the principal project works described under paragraph (b) of this section (Exhibit A). The drawings must conform to the specifications of § 4.32 and must indicate whether each structure depicted is existing or proposed. Detailed working drawings showing the precise plans and specifications for proposed structures should not be filed with the application, but should be prepared for the purposes of construction and, if a license is issued and construction ensues, retained as permanent project records. The general design drawings required under this paragraph must show plans (overhead view), elevations (front view), profiles (side view), and sections for each principal project work. The drawings must be accompanied by sufficient information relating to composition and competency of foundations and other structures, gradation of filter and riprap material, design strength and ultimate strength of concrete and steel, stress and stability analyses, the project design flood (and Standard Project Flood or Probable Maximum Flood, if different from the design flood) used for stability analysis, spillway rating curves, water levels, and other controlling factors to demonstrate that the structures are safe and adequate to fulfill their stated functions.

(h) *Exhibit G* is a map of the project. The map must conform to the specifications of § 4.32. If more than one sheet is used, the sheets must be numbered consecutively and each sheet must bear a small inset sketch showing the entire project (or development) and indicating the portion depicted on the sheet. The map must show:

(1) *Location of the project and principal features.* The map must show the location of the project as a whole with reference to the affected stream or other body of water and, if possible, to a nearby town or any other permanent monuments or objects that can be noted on the map and recognized in the field. The map must also show the relative locations and physical interrelationships of the principal project works and other features described under paragraph (b) of this section (Exhibit A).

(2) *Project boundary.* The map must show a project boundary enclosing all of the principal project works and other features described under paragraph (b) of this section (Exhibit A). The boundary must enclose only those lands necessary for operation and maintenance of the project and for other project purposes such as recreation, shoreline control, or protection of environmental resources [see paragraph (f) of this section (Exhibit E)]. Existing residential, commercial, or other structures may be included within the boundary only to the extent that underlying lands are needed for project purposes (e.g. for flowage, recreation, shoreline control, or protection of environmental resources).

If the boundary is on lands covered by a public land survey, ties must be shown on the map at sufficient points to permit accurate platting of the position of the boundary relative to the lines of the public land survey. If the lands are not covered by a public land survey, the best available legal description of the boundary must be provided, including distances and directions from fixed monuments or physical features. The boundary must be described as follows:

(i) *Impoundments.* The boundary around a project impoundment may be described by any of the following: (A) contour lines (preferred method); (B) specified courses and distances (metes and bounds); (C) if the project lands are covered by a public land survey, lines upon or parallel to the lines of the survey; or (D) any combination of the above methods. Except as deviations may be necessary in describing the boundary according to the above methods, or where additional lands are necessary for project purposes such as recreation, shoreline control, or protection of environmental resources,

the boundary must be located no more than 200 feet (horizontal measurement) from the exterior margin of the reservoir (defined by the normal maximum surface elevation).

(ii) *Continuous features.* The boundary around linear ("continuous") project features such as access roads, transmission lines, and conduits may be described by specified distances from center lines or offset lines of survey. The width of such corridors must not exceed 200 feet unless good cause is shown for a greater width. Several sections of a continuous feature may be shown on a single sheet, with information showing the sequence of contiguous sections.

(iii) *Noncontinuous features.* The boundary around noncontinuous project works such as dams, spillways, and powerhouses may be described by: (A) contour lines; (B) specified courses and distances; (C) if the project lands are covered by a public land survey, lines upon or parallel to the lines of the survey; or (D) any combination of the above methods. The boundary should enclose only those lands that are necessary for safe and efficient operation and maintenance of the project, or for other specified project purposes such as recreation or protection of environmental resources.

(3) *Federal lands.* The map must show any lands of the United States (including reservations) that are within the project boundary. The lands must be identified by legal subdivisions of a public land survey of the affected area (a protraction of identified township and section lines is sufficient for this purpose). In the absence of a public land survey, the location of lands of the United States must be shown by distances and directions from fixed monuments or physical features. When a Federal survey monument or a Federal bench mark will be destroyed or rendered unusable by the construction of project works, at least two permanent, marked, witness monuments or bench marks must be established at accessible points. The map must show the location (and elevation, for bench marks) of the survey monument or bench mark which will be destroyed or rendered unusable, as well as of the witness monuments or bench marks. Connecting courses and distances from the witness monuments or bench marks to the originals must also be shown.

(c) Section 16.6 is deleted in its entirety.

(D) The Secretary shall cause prompt publication of this notice to be made in the Federal Register.

[Docket No. RM79-38]

[FR Doc. 79-12728 Filed 4-23-79; 8 45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[18 CFR Parts 2 and 157]

Proposed Rulemaking Respecting Budget-Type Applications for Gas-Purchase Facilities

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The proposed rule would amend § 157.7 of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act to (1) raise the current financial limitations for the submission of budget-type applications; (2) expand the current definition of the gas facilities involved; and (3) change the submission times for such applications to a calendar year basis. These changes are proposed in order to facilitate the Commission's action on these applications. The changes are being undertaken in light of circumstances which have come about since the existing subpart was first promulgated. In addition, the proposed rule would also delete subpart 2.58 of the Commission's regulations as surplusage.

DATES: Written comments must be received on or before May 25, 1979.

ADDRESS: Comments, referencing Docket No. RM79-37 should be addressed to: Federal Energy Regulatory Commission, Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Markulin, Office of Pipeline and Producer Regulation, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 275-4349.

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission (Commission) proposes to amend § 157.7(b) of its regulations. The amendment would revise the definition of "Gas-purchase facilities", increase the maximum total annual and single-project cost limitations for such facilities, and provide a calendar-year basis for certificate authority. The Commission also proposes to delete § 2.58 of its regulations and provide for the periodic review of the cost limitations of § 157.7(b).

Background

Since its inception in 1956, the "budget-type" application procedure has served as a vehicle whereby the Commission can expeditiously certify the construction of minor installations of certain facilities. This procedure, with its time-saving features, has shown itself to be particularly useful in authorizing the construction of "gas-purchase" facilities—facilities necessary to connect independent producers or other similar sellers of natural gas to purchasers for resale in interstate commerce. The procedure for applying for a budget-type certificate for such facilities, as well as the limitations under which the certificate will be granted, are set forth in § 2.58 and § 157.7(b) of the Commission's Regulations. The limits encompass both the type of facilities involved and the amount to be expended for their construction.

The amounts which may be expended for budget-type certificates for gas-purchase facilities were last revised in January 1975 (FPC Order No. 522, Docket No. RM75-2). Since that time, construction costs have increased to the extent that fewer construction projects may be completed under the threshold provisions. In addition, Commission experience, coupled with recent changes in the law, require a re-evaluation of the facilities which should be included within the scope of budget applications for the construction of gas-purchase facilities.

Summary of Proposal

The current Regulations provide that the total estimated cost of gas-purchase facilities proposed in a budget-type application is not to exceed 2 percent of the applicant's gas plant account (Account 101 of the Uniform System of Accounts Prescribed for Natural Gas Companies) or \$12 million, whichever is the lesser, except that an applicant with less than \$7.5 million in such a gas plant account may have a total gas-purchase facility budget amount of \$150,000. (§ 157.7(b)(1)(i).) Furthermore, under the current regulations the cost of gas-purchase facilities for any single onshore project must not exceed 25 percent of the total budget amount or \$1.5 million, whichever is the lesser, and the cost for any single offshore project must not exceed \$2.5 million or the total budget amount, whichever is the lesser. (§ 157.7(b)(1)(ii).) To increase the effective use of budget-type authorizations, the Commission proposes to increase these total annual and single-project cost limitations.

Since the last revision of the cost limitations for gas-purchase facilities in January 1975, the cost of constructing facilities has increased. The increase is due to inflation and an increase in the real cost of constructing pipelines. Accordingly, an increase in the total budget and individual project limits appears warranted. Therefore, the Commission proposes to increase the dollar budget limitations of both § 157.7(b)(1)(i) and § 157.7(b)(1)(ii). These increases are based upon Commission experience and considerations of economic changes which have occurred to date,¹ and which may reasonably be expected to occur in the near future.²

The \$12 million and 2 percent limitations of § 157.7(b)(1)(i) would, under this proposal, be raised to \$20 million and 3 percent respectively. This will permit companies to more effectively utilize the gas-purchase budget certificates than present limits now permit. Consistent with this increase, it is proposed that the limit for pipelines with small plant investments be raised to allow a total gas purchase budget of \$500,000, rather than the current limit of \$150,000. This increase, predicated upon Commission experience since the revisions of 1975, would permit greater use of the budget-type certificate process by smaller companies, while not permitting any change in the character of the regulated operations. In that the \$150,000 figure was predicated upon 2 percent of \$7.5 million plant investment; the use of \$500,000 and a 3 percent figure yields a plant investment figure of \$16 and two-thirds million. The regulation

¹ Among the sources used in this regard are construction cost estimates included in pipeline certificate applications, completion reports filed under § 157.20(a) of the Commission's Regulations, actual construction costs included in pipeline "Section 4" rate changes, Bureau of Labor Statics' Wholesale Price Index for industrial commodities, The Handy-Whitman Index of Public Utility Construction Costs and The Engineer News-Record Construction Cost Index.

The Handy-Whitman Index of Public Utility Construction Costs, Bull. No. 163 (1978), indicates that the inflation factor for total transmission plant for the South Central region of the United States has increased by about 40 percent for the period from January 1975 through June 1978. *Id.* at Table G-4, pp. 23-24. It should also be noted that the Consumer Price Index for all items during the period January 1975 to January 1978 has increased from 156.1 to 185.9, an increase of 30.8 percent. These increases are relative to costs. With respect to the Handy-Whitman Index, the test year is 1949 with a base of 100, and with respect to the Consumer Price Index, the test year is 1967 with a base of 100.

² The Engineer News-Record Construction Cost Index for January 11, 1979 reports a current inflationary rate in general construction of about 7.2% per year; see also *Economic Report of the President* at 92-93 (Jan. 1979) [rate of growth of consumer prices estimated to be less than 7.5% over the 4 quarters of 1979 and an annual rate of slightly under 7% by the end of the year].

would be changed to reflect this increase.

It is proposed that with respect to single projects the present \$1.5 million limit for onshore projects and the \$2.5 million limit for offshore projects (§ 157.7(b)(1)(ii)) be increased to \$2.5 million and \$3.5 million, respectively, to reflect increased project costs. This increase should eliminate certificate filings for routine gas-purchase projects and provide additional flexibility to the larger pipeline companies in the planning of their construction programs without jeopardizing the concept of minor projects. To further this purpose, it is also proposed that § 157.7(b)(1)(ii) be amended so that there would be no individual project cost limit for projects of up to \$500,000 for companies having a gas plant investment of up to \$16 and two-thirds million.

It is further proposed that the Commission undertake a periodic view of the threshold levels of §§ 157.7(b)(1)(i) and 157.7(b)(1)(ii). The purpose of this review would be to re-examine existing budget thresholds on a timely basis. The result would be a determination of whether any adjustment to the threshold levels would be warranted. Periodic review would insure that the budget application process kept pace with the needs of the Commission and prevailing industry practices. It would have the added advantage of insuring that the Commission has before it the data necessary with which to make a timely proposal for change.

The mechanism whereby the Commission would inaugurate the periodic review would be by administrative order directing staff to conduct a review of budget thresholds every two years. The analysis would be conducted by the Commission's Office of Pipeline and Producer Regulation and would be one which considered all relevant factors including, but not limited to, the use of budget authorizations, the size and nature of waiver requests, potential rate impact, and industry national or regional trends. The analysis, with any Staff recommendation, would be presented to the Commission. The result would be either a notice for comments preparatory to amending the regulations or no action respecting a change to the budget limitations.

The facilities for which a gas-purchaser budget-type application may be filed are defined under § 157.7(b)(4) as being:

facilities, subject to the jurisdiction of the Commission, necessary to connect the facilities of an independent producer or other

similar seller, authorized by this Commission to make a sale of gas to a gas purchaser for resale in interstate commerce, with the system of the gas purchaser or the system of another natural gas company authorized to transport such gas for the account of, or for the exchange of such gas with, the gas purchaser * * *

By excluding facilities for the production of gas in which a gas purchaser holds an ownership interest, this definitional limitation has caused needless complexity in the application of § 157.7(b). In addition, the definition, as presently worded, does not account for recent changes in the law brought about because of the Natural Gas Policy Act of 1978 (NGPA), Pub. L. No. 95-621.

Many pipeline companies are engaged in the production of gas. Under the existing definition of gas-purchase facilities such companies are unable to attach supplies in which they have an ownership interest, since the existing definition provides that facilities may be constructed only to connect with the facilities of an independent producer or other similar seller authorized by the Commission to make a sale of gas to a gas purchaser for resale in interstate commerce. Further, it appears that a competitive disadvantage exists for such pipeline companies because, as gas-purchase facilities are presently defined, such pipeline companies are not allowed to attach facilities to take gas which they themselves own. Delays which may be caused by the necessity of the pipeline company's having to file separate certificate applications authorizing such attachments may result in drainage from adjacent wells or in the flaring of the gas where wells contain both oil and gas reserves.

The Commission proposes to amend § 157.7(b)(4) to expand the definition of facilities for which a budget-type application may be made to include facilities to attach a pipeline company's own production. The proposed amendments also provide that facilities to connect pipeline-owned gas acquired through company development and production, acquired in place, or developed and produced with other companies, would also be included. As a result of this proposed expansion of the definition of gas-purchase facilities, pipeline companies with ownership interests in gas wells will be relieved of the cost and burden of multiple certificate filings for authorization to attach gas wells to receive their own reserves, and the Commission will be relieved of processing and considering such multiple filings for such routine facilities. As a result of this change the label "gas purchase" used throughout

§ 157.7(b) would be amended to read "gas supply".

In addition to the restriction barring the connection of gas facilities to receive pipeline-owned reserves, the qualification that the seller must be one who is "authorized by this Commission to make a sale of gas to a gas purchaser" does not comport with the provisions of the NGPA to the extent that the NGPA allows such sales without Commission authorization. For this reason it is proposed that the restriction be removed. Failure to do this would severely limit the scope of facilities for which a budget-type certificate could be granted.

Further, it is proposed that § 157.7(b) be amended to provide that all budget-type applications authorizing under that section be on a calendar-year basis. Under existing regulations most authorizations are effective for a 12-month period from the date of authorization or from a specific requested date. Authorizations made for a calendar year would reduce the administrative workload of the Commission by permitting consideration and action on all requests in a limited time span. In addition, such authorizations would permit the evaluation of all budget completion reports on a comparable basis and within a reasonable time period. This proposal would require filing of applications for a given year by October 1 of the previous year to provide time for Commission review.

Should the proposed change to a calendar-year authorization take place, a transition rule will be required for certificates granted during 1979 and 1980. The proposed transition rule would divide certificates into two groups: those granted under the prior twelve-month rule and existing thresholds for a time period extending into 1980; and those granted during 1979 under the proposed calendar-year rule and new thresholds. The transition rule would provide a mechanism whereby all budget-type certificates for gas supply facilities would be on a calendar-year basis by January 1, 1981.

With respect to the first category (certificates granted during 1979 under the prior twelve-month rule for a period extending into 1980), application for new certificates should be made at least two months before the termination of existing certificates. If such application is made it would be for a time period extending to December 31, 1980. The budget thresholds for total project costs for such applications are to be pro-rated among the number of months to be covered by the desired certificate. For

example, a company holding a budget-type certificate granted in 1979 for a period ending July 1, 1980 may apply for a certificate whose time period will run July 1, 1980 through December 31, 1980. The applicable budget thresholds for such an application would be one-half of those stipulated by § 157.7(b)(1)(i) of the proposed Regulations for a full calendar-year certificate.

The second category, applications for budget-type construction certificates made during 1979 but after the thresholds proposed by this Notice (or some other thresholds reflective of this Notice) go into effect will be handled differently. Such applications, irrespective of the commencement date sought, would be made for a period extending to December 31, 1980. As with the first category, applications would have to be made at least two months prior to the termination of the existing certificate and the budget thresholds for total project cost would be pro-rated. For example, if application is made for a certificate to commence October 1, 1979, that certificate would be made to cover the 15 months, October 1, 1979 through December 31, 1980. The total project cost limitations applicable to such an application would be one and one-quarter of those provided for under § 157.7(b)(1)(i) of the proposed Regulations.

Only the total project thresholds of § 157.7(b)(1)(i) would be pro-rated under the proposed transition rules. The single project limitations of § 157.7(b)(1)(ii) would remain the same for any application. This reflects the view that for purposes of the transition period, single project certificates are less amenable to pro-ration than total project certificates. In addition, maintaining the single project limitations, at least with respect to certificates which may be granted for more than a twelve-month period, will provide some limitations upon the scope of the certificates.

No provision has been made in the transition rules to permit those holding budget certificates at the time the proposed changes go into effect to amend those certificates so as to conform them to an expanded definition of "gas-supply" facilities. This expresses the Commission's view that, for purposes of budget applications granted under § 157.7(b), the applicable definition of the facilities involved should remain the one under which the application was made and the certificate was granted.

Section 2.58 of the Commission's, General Policy and Interpretations contains language which is similar to, and duplicative of, that contained in

§ 157.7(b). Therefore, it is proposed that this section should be deleted.

Finally, it is proposed that these proposed revisions would become effective 30 days from the date of promulgation of final regulations.

While comments are invited on all facets of this proposal, comments are specifically invited on: (1) The advisability of increasing the total budget limit by increasing the total project cost limits and increasing the 2 percent limitation to 3 percent; (2) increasing the single project cost limits; (3) increasing the limits for pipeline companies with small plant investments; (4) changing the definition of gas purchase facilities; and (5) proposing that all gas-purchase budgets be authorized on a calendar-year basis. In addition, comments are also requested as to the information required under the provisions of § 157.7(b)(3) for construction completion reports.

Public Comment Procedures

Interested persons may participate in this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before May 25, 1979. Each person submitting a comment should include his name and address, identify the notice (Docket No. RM79-37), and give reasons for any recommendations. An original and 14 conformed copies should be filed with the Secretary of the Commission. Comments should indicate the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during regular business hours. The Commission will consider all written submittals before acting on the proposed amendments and the proposals contained in this notice may be changed in the light of submissions received.

(Natural Gas Act, as amended, 15 USC 717f and 717o, Department of Energy Organization Act, Pub. L. No. 95-91, 42 USC 7172, Exec. Order No. 12009, 42 Fed. Reg. 46267.)

In consideration of the foregoing, it is proposed to amend Parts 2 and 157 of Title 18 Code of Federal Regulations as set forth below.

By direction of the Commission.

Lots D. Casbell,

Acting Secretary.

1. Part 2 is amended by deleting § 2.58 in its entirety.

2. Section 157.7 is amended in paragraph (b) by revising the title, revising the introductory paragraph, revising subparagraphs (1), (3), and (4) and by adding subparagraphs (5), (6), and (7) to read as follows:

§ 157.7 Abbreviated applications.

(b) *Gas-supply facilities—budget-type applications.* An abbreviated application requesting a budget-type certificate authorizing the construction of gas-supply facilities during a given calendar-year period and operation thereafter may be filed when:

(1)(i) The total estimated cost of the gas-supply facilities proposed in the application does not exceed 3 percent of the applicant's gas plant (Account 101, Uniform System of Accounts Prescribed for Natural Gas Companies) or \$20 million, whichever is the lesser, except that an applicant with less than \$16½ million in such gas plant account may have a total gas-supply facility budget amount of \$500,000.

(ii) The cost of gas-supply facilities for any single project to be installed during the authorized construction period does not exceed 25 percent of the total budget amount or \$2.5 million, whichever is the lesser, except that a single offshore project, including any in the disputed zone, is limited to \$3.5 million, or the total budget amount, whichever is the lesser; provided, further, that the 25 percent single project cost limit shall not be applicable to those companies limited to a total budget of \$500,000 as provided in clause (i) of this subparagraph.

(3) The applicant agrees to file with the Commission by the earlier of March 1 of the year following the calendar year for which authorization was granted, or within 60 days after the expiration of the authorized construction period, a statement containing for each individual project constructed under the budget authorization:

(i) a description of the gas-supply facilities installed, e.g., miles and size of pipelines, compressor horsepower, metering facilities;

(ii) the location of gas-supply facilities installed;

(iii) the actual installed cost of gas-supply facilities subdivided by size of pipelines, compressor horsepower, metering facilities and appurtenant facilities;

(iv) the estimated recoverable gas reserves in MCF at 14.73 psia made available to the applicant by means of the facilities last installed;

(v) the names of the fields connected; and

(vi) the location, including well number, of the facility attached if the attachment is for gas owned or produced by the applicant, or if the attachment is for gas purchased by the applicant, the names of the independent producers or other sellers from whom the gas is being purchased, together with the respective dates of their gas sales contracts, and FERC gas rate schedule designations, if applicable.

(4) For purposes of this paragraph, "gas-supply facilities" means those facilities, subject to the jurisdiction of the Commission under the Natural Gas Act which are:

(i) necessary to connect the facilities of an independent producer or other similar seller, with the system of the gas purchaser or the system of another natural gas company authorized to transport such gas for the account of, or for the exchange of such gas with, the gas purchaser; or

(ii) necessary to attach gas supplies in which a pipeline company has an ownership interest, whether company-developed and produced, acquired in place, or developed in conjunction with others, with the system of the pipeline company or the system of another natural gas company authorized to transport such gas for the account of, or for the exchange of such gas with, said pipeline company.

(5) Except as provided in subparagraph (b)(6) of this paragraph, applications made pursuant to this paragraph shall be filed with the Commission no later than October 1 of the year preceding the calendar year for which authorization is sought.

(6) *Transitional rules.* (i) In the event that a particular certificate granted under this paragraph prior to [date instant proposed rulemaking goes into effect] lapses during calendar year 1980, any subsequent certificate applied for prior to October 1, 1980 shall be for a period extending to December 31, 1980;

(ii) In the event that a particular certificate granted under this paragraph prior to [date instant proposed rulemaking goes into effect] lapses during calendar year 1979, any subsequent certificate applied for prior to October 1, 1980 shall be for a period extending to December 31, 1980.

(iii) Certificates granted pursuant to either subparagraphs (b)(6)(i) or (ii) of this paragraph shall be made at least 60 days before the prior certificate lapses

and shall be pro-rated with regard to the applicable thresholds of subparagraph (b)(1)(i) of this paragraph to the number of months such certificate is to be in effect.

(7) *Filing.* Budget-type applications to construct and operate "gas-supply facilities" may be filed by either or both the gas-purchaser/owner and another natural gas company authorized to transport gas for the account of, or for the exchange of gas with, the gas-purchaser/owner, depending upon which company or companies will actually construct and operate the budget-type facilities.

[Docket No. RM 79-37]

[FR Doc. 79-12718 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 50]

Protection of Human Subjects; Proposed Establishment of Regulations

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing a regulation to provide additional safeguards for the protection of children involved in research activities that fall within FDA's jurisdiction. This proposal is issued in compliance with a directive of the Secretary of the Department of Health, Education, and Welfare (DHEW), is in line with the regulations proposed by DHEW, and implements the recommendations of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research on research involving children. This proposal is intended to ensure adequate protection of the rights and safety of children who are subjects in clinical investigations for which prior approval by FDA is required or which are conducted in support of applications for permission to conduct further research or to market regulated products. Key sections provide that such clinical investigations can be carried out only if the methods employed are appropriate, the investigators competent, the facilities adequate, and the research procedures designed to contribute vitally to generalizable knowledge. Risks must be minimized, and the clinical investigation performed in connection with necessary diagnosis and treatment whenever possible. Adequate provisions must be made to

obtain the assent of the child and the consent or permission of the parents or guardians, whenever these are necessary.

DATES: Written comments by June 25, 1979. The proposed effective date of the final rule is 12 months after the date of its publication in the Federal Register.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Roger W. Barnes, Office of Health Affairs (HFY-22), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1177.

SUPPLEMENTARY INFORMATION: In the Federal Register of July 21, 1978 (43 FR 31786), DHEW proposed regulations governing research that involves children and is conducted or supported by DHEW. The proposed DHEW regulations implement the recommendations of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (the Commission) on research involving children and provide additional protection for the children involved in such research activities.

The Commission's Report published in the Federal Register of January 13, 1978 (43 FR 2084), constitutes background material for this regulation and may be referred to for further guidance in interpreting its provisions. As noted in the proposal published by DHEW:

These regulations (45 CFR Part 46) apply only to research conducted by the Department or to research supported by its grants and contracts. (43 FR 31791).

To set forth a uniform agency policy regarding research involving children, FDA is proposing regulations that will apply the principles set forth in the proposed DHEW regulations to all research involving children that is subject to FDA jurisdiction. The agency adopts the findings of the Commission as interpreted by the Secretary regarding the need for further rules to provide additional protection for research subjects with diminished capacity, including children. The agency also believes that, wherever possible, FDA's regulations should be compatible with, if not identical to, those of DHEW. A multiplicity of dissimilar and inconsistent Federal requirements is burdensome to institutions, Institutional Review Boards (IRB's), and the process of clinical investigation. Because the proposed Departmental regulation covers research conducted or funded by

the Department through grants and contracts, such research may involve behavioral testing of various kinds. The Departmental proposal therefore is written to accommodate both biomedical and behavioral research. FDA does not regulate behavioral research. The regulation being proposed by FDA, therefore, deals only with biomedical research that is subject to FDA jurisdiction.

This proposal is the second portion of Part 50 (21 CFR Part 50) to be proposed. On May 5, 1978 (43 FR 19417), FDA proposed regulations to provide protection for prisoners involved in research activities that fall within the jurisdiction of FDA. Comments on this proposal have been received, and a final regulation covering prisoner research will issue in the near future. The May 5, 1978 proposal included Subparts A (General Provisions) and C (Protections Pertaining to Clinical Investigations Involving Prisoners as Subjects) of Part 50 which, when complete, will contain all of FDA's regulations on the protection of human subjects.

In this document, FDA proposes to add additional definitions to Subpart A and proposes a new Subpart D (Protections Pertaining to Clinical Investigations Involving Children). When completed, Part 50 will contain regulations applying to all clinical investigations that are subject to requirements for prior submission under section 505(i), 507(d), or 520(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i), 357(d), 360(g)), or that support or are intended to support an application for a research or marketing permit for a product regulated by the agency. FDA intends to revise and update existing agency regulations in the near future to incorporate appropriate Departmental standards and other relevant materials on informed consent. Regulations regarding informed consent will be proposed as Subpart B of Part 50.

The preamble to the Departmental proposal on research involving children stated (43 FR 31791) that current FDA regulations concerning clinical investigations require IRB review only when the investigation is conducted by an institution or when the investigation is limited to institutionalized subjects. However, in a recent Federal Register proposal on standards for institutional review boards for clinical investigations (43 FR 35186, August 8, 1978), FDA proposed to extend the requirement for IRB review to "most investigations involving human subjects when such investigations are regulated by or submitted to FDA" (43 FR 35189).

Preambles to the IRB proposal and a related proposal on the obligations of clinical investigators of regulated articles (also published in the Federal Register of August 8, 1978 (43 FR 35210)) discussed at length the history of IRB review and how it relates to the process of clinical investigations submitted to FDA. Those discussions provide relevant background material to parties affected by this proposal.

The principles being set forth regarding clinical investigations involving children are to be applied to all such clinical investigations subject to FDA jurisdiction. Clinical investigations not conducted in conformity with this proposal will not be accepted by FDA.

Clinical Investigations Involving Children

The proposed regulation conforms to the requirements proposed by the Department insofar as they involve biomedical research and extends those requirements to research submitted to the agency to satisfy FDA's regulatory requirements. FDA has considered the Commission's Report as well as the explanatory text set forth in the preamble to the July 21, 1978 DHEW proposal, and incorporates those documents as part of the discussion presented in this preamble. Proposed Subpart D requires that research involving children be carried out only if the conditions set forth in the proposal are met.

Definitions

Proposed § 50.3 (21 CFR 50.3) defines a number of terms used in proposed Subpart D which were not proposed in the May 5, 1978 proposal on prisoner research. The definition of "children" in § 50.3(n) includes persons who have not attained the legal age of consent to general medical care as determined under the applicable law of the jurisdiction in which the research will be conducted. This provision means that the law of the site of the research shall determine the legal age of consent of the participant. Recognizing that this phrase may be ambiguous, e.g., in a multiple-investigator study conducted in several jurisdictions, the agency invites comment on the feasibility of this approach as well. Definitions are also included for "advocate" (§ 50.3(o)), "assent" (§ 50.3(p)), "permission" (§ 50.3(q)), "parent" (§ 50.3(r)), "guardian" (§ 50.3(s)), and "minimal risk" (§ 50.3(t)). The definitions of these terms generally follow the definitions proposed by the Department.

The proposed definitions of "assent" and "permission" include references to

information specified in 45 CFR 46.103(c), which is the provision of DHEW's general regulation on protection of human subjects that defines informed consent. The section is included in the language of the regulation, as proposed, for purposes of clarity, although the reference will be changed to refer to the appropriate section of FDA regulations on informed consent after they are published.

"Informed consent" is defined in 45 CFR 46.103(c) as follows:

§ 46.103 Definitions.

(c) "Informed consent" means the knowing consent of an individual or his legally authorized representative, so situated as to be able to exercise free power of choice without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion. The basic elements of information necessary to such consent include:

(1) A fair explanation of the procedures to be followed, and their purposes, including identification of any procedures which are experimental;

(2) A description of any attendant discomforts and risks reasonably to be expected;

(3) A description of any benefits reasonably to be expected;

(4) A disclosure of any appropriate alternative procedures that might be advantageous for the subject;

(5) An offer to answer any inquiries concerning the procedures; and

(6) An instruction that the person is free to withdraw his consent and to discontinue participation in the project or activity at any time without prejudice to the subject.

Proposed § 50.54(a)(5) (21 CFR 50.54(a)(5)), concerning additional IRB duties in protecting children's privacy and maintaining the confidentiality of data, corresponds to, but differs from, proposed § 46.404(a)(5) (45 CFR 46.404(a)(5)) of the Departmental regulation. The FDA may be required to verify the validity of any clinical investigation submitted to the agency. Therefore, in the August 1978 proposals concerning standards for IRB's for clinical investigations and the obligations of clinical investigators of regulated articles, FDA proposed record retention provisions for clinical investigations. Those provisions, proposed §§ 54.195 and 56.195 (21 CFR 54.195 and 56.195), would establish record retention requirements for both IRB's and clinical investigators. The policy behind the requirements that records of clinical investigations be retained, as well as the policies regarding the inspection of such records and the protection of the personal privacy of subjects of clinical

investigations, was fully discussed in both proposals.

As noted above, the discussion in the July 1978 preamble to the proposed DHEW regulation is incorporated by reference insofar as it applies to clinical studies submitted to FDA. The following portions of that preamble specifically seek advice regarding policies or provisions set out in this proposal:

Recommendation (7) [of the Commission's Report] concerns the solicitation of parent's or guardian's permission and of children's assent. The Department has adopted the substance of this recommendation but with some modifications. In the recommendation, the Commission leaves it to the Board as to whether, with respect to any particular project, the children are capable of assenting. However, in their comments on the recommendation, the Commission makes it clear that they believe assent should be required if the children are 7 years of age or older. Reaction to this comment was mixed. Some respondents endorsed the comment; others felt the age was set too low [with suggestions from 12 to 14 proposed as alternatives]; still others recommended that the matter be left entirely to the Board for determination in the context of each particular case.

The Department seeks further comment, preferably supported by studies and data, on this issue. Among the options being considered are the following:

(1) Requiring assent from all children who are 12 years of age or older, if the research is not expected to be of direct benefit to the health or well being of the particular child.

(2) Same as (1), but setting the age at 7.

(3) In the regulation itself, leaving it to the discretion of the Board, but in the preamble to the regulation and in implementing policy statements recommending that assent normally be secured if the children are above a certain age (e.g., 12 or 7). Depending on the type of research and the types of candidates involved as subjects, the Board may wish to take a flexible approach in selecting ages at which assent may be required.

(4) Leaving it to the discretion of the Board, with no guidance either in the preamble or in implementing policy statements.

(5) Other alternatives. (43 FR 31786-31787).

This proposal uses the same language as the Departmental proposal used. However, FDA also seeks further comment on this issue, preferably with supporting data.

The proposed regulation, set forth below, leaves the matter to the IRB's discretion. This should not be construed as indicating that a decision has been made as to what option will be adopted in the final regulation.

The Departmental preamble also sought advice regarding whether some specific kinds of research should be exempted from the regulations (43 FR 31792). Of the categories cited by the

Department, only one ("Research involving solely the review of existing records") is of direct concern to FDA, and FDA requests comment regarding the appropriateness of narrowing the scope of Subpart D through exempting this category of research from the regulations. FDA would also be interested in suggestions concerning other categories that should be considered for exemption. Any such suggestions should include supporting data and should address the issue of whether, if a category is exempted, other protections should be developed to cover that category.

FDA is proposing that the final rule take effect 12 months after its date of publication in the Federal Register. Ongoing clinical investigations involving children as subjects shall be completed by the effective date, discontinued, or brought into conformity with the requirements of the regulation. Thus studies begun before, but continuing after, the effective date must comply on the effective date. However, the requirements need not be retroactively applied to children who, on the effective date, are no longer a part of a continuing study. In those cases in which all phases of a clinical investigation except statistical evaluations are completed by the effective date, statistical evaluations completed after the effective date will be accepted.

Legal Authority

The results of literally hundreds of clinical investigations are submitted to FDA each year by persons seeking regulatory action by the agency. To obtain a marketing license, clinical research data are offered to support the safety and effectiveness or functionality of a product, e.g., a food or color additive, a drug or biologic for human use, or a medical device for human use. Even where a license is not required or has already been issued, such data may be relied upon to demonstrate the bioavailability of a marketed drug, the general recognition of safety of a product, or the absence of any need for premarket approval or a product standard for a device.

In evaluating the enormous volume of clinical investigations filed with FDA, many types of scientific and regulatory review must be devoted to these studies apart from determining their ethical acceptability, e.g., to interpret the results and to evaluate the status of the affected products in light of the results. Given the limited resources within the agency, FDA must have standards to screen out those clinical investigations that are likely to be unacceptable and

thus should not be authorized or that warrant little further evaluation in support of a product application. The promulgation of this regulation provides one process for making this judgment. Moreover, the regulation reflects principles recognized by the scientific community as essential to sound research involving human subjects. Thus, this regulation will assist FDA in identifying those investigations that cannot be permitted to be carried out or considered in support of an application for a research or marketing permit.

Under section 701(a) of the act (21 U.S.C. 371(a)), the Commissioner is empowered to promulgate regulations for the efficient enforcement of the act. Previously, the Commissioner issued regulations (21 CFR 314.111(a)(5)) for determining whether a clinical investigation of a drug intended for human use, among other things, was scientifically reliable and valid (in the words of the act, "adequate and well-controlled") to support approval of a new drug. These regulations were issued under sections 505 (21 U.S.C. 355) and 701(a) of the act and have been upheld by the Supreme Court (see *Weinberger v. Hynson, Wescott & Dunning, Inc.*, 412 U.S. 609 (1973); see also *Upjohn Co. v. Finch*, 422 F. 2d 944 (6th Cir. 1970) and *Pharmaceutical Manufacturers Association v. Richardson*, 318 F. Supp. 301 (D. Del. 1970)).

Furthermore, sections 505(i), 507(d), and 520(g) of the act (21 U.S.C. 355(i), 357(d), and 360(g)), regarding clinical investigations that require prior FDA authorization, direct the agency to, promulgate regulations to protect the public health in the course of those investigations. This proposal is intended to fulfill these mandates.

In sum, legal authority to promulgate this regulation exists under sections 505(i), 507(d), 520(g), and 701(a) of the act, as essential to protection of the public health and safety and to enforcement of the agency's responsibilities under sections 406, 409, 502, 503, 505, 506, 507, 510, 513, 514, 515, 516, 518, 519, 520, 601, 706, and 801 of the act (21 U.S.C. 346, 348, 352, 353, 355, 350, 357, 360, 360c-360f, 360h-360j, 361, 376, and 381), as well as the responsibilities of FDA under sections 351 and 354 to 360F of the Public Health Service Act (42 U.S.C. 262 and 263b to 263n).

The agency will promulgate conforming amendments in other FDA regulations if such amendments are appropriate to execute the policy set forth in this regulation.

FDA has determined that this document does not contain an agency action covered by 21 CFR 25.1(b), and

consideration by the agency of the need for preparing an environmental impact statement is not required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 406, 409, 502, 505, 506, 507, 510, 513-516, 518-520, 601, 701(a), 706, and 801, 52 Stat. 1049-1054 as amended, 1055, 1058 as amended, 55 Stat. 851 as amended, 59 Stat. 463 as amended, 72 Stat. 1785-1788 as amended, 74 Stat. 399-407 as amended, 76 Stat. 794-795 as amended, 90 Stat. 540-560, 562-574 (21 U.S.C. 346, 348, 352, 353, 355, 356, 357, 360, 360c-360f, 360h-360j, 361, 371(a), 376, and 381)) and the Public Health Service Act (secs. 215, 351, 354-360F, 58 Stat. 690, 702 as amended, 82 Stat. 1173-1186 as amended (42 U.S.C. 216, 262, 263b-263n)) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Part 50 be amended as follows:

1. In § 50.3, by adding new paragraphs (n) through (t) to read as follows:

§ 50.3 Definitions.

(n) "Children" are persons who have not attained the legal age of consent to general medical care as determined under the applicable law of the jurisdiction in which the clinical investigation will be conducted.

(o) "Advocate" means an individual appointed by the Institutional Review Board, or through procedures approved by the Board, to act in the best interest of the child. The advocate, although not appointed by a court, will be considered to have the fiduciary responsibilities of a guardian ad litem toward the children whose interests the advocate represents. No person may serve as an advocate if the person has any financial interest in, or other association with, the clinical investigator or the sponsor of the clinical investigation; nor, where the subject is the ward of a State or other agency, institution, or entity, may the advocate be employed by or be the recipient of grant or contract funds disbursed by, that State, agency, institution, or entity. One individual may serve as advocate for more than one child.

(p) "Assent" means a child's affirmative agreement to participate in the clinical investigation. Mere failure to object may not be construed as affirmative agreement. Assent can be given only after an explanation, based on the types of information specified in 45 CFR 46.103(c), that is appropriate to the level of understanding of the child. The procedures established by the Institutional Review Board for obtaining assent must be followed.

(q) "Permission" means the agreement of parent(s) or guardian to the participation of the child or ward in the clinical investigation. Permission can only be given following an explanation including the information specified in 45 CFR 46.103(c).

(r) "Parent" means a child's biological or adoptive parent.

(s) "Guardian" means an individual who is authorized under applicable State or local law to consent on behalf of a child to general medical care for the child.

(t) "Minimal risk" is the probability and magnitude of physical or psychological harm comparable to that normally encountered in the daily lives, or in the routine medical or dental examination, or in the other routine health care, of healthy children.

2. By adding new Subpart D, consisting of §§ 50.50, 50.52, 50.54, 50.56, 50.58, 50.60, 50.62, 50.64, and 50.66, to read as follows:

Subpart D—Protections Pertaining to Clinical Investigations Involving Children

Sec.

50.50 Applicability.

50.52 Purpose.

50.54 Additional duties of an Institutional Review Board where children are involved.

50.56 Clinical investigations not involving greater than minimal risk.

50.58 Clinical investigations involving greater than minimal risk but presenting the prospect of direct benefit to the individual subjects.

50.60 Clinical investigations involving greater than minimal risk and no prospect of direct benefit to the individual subjects, but likely to yield generalizable knowledge about the subjects' disorder or condition.

50.62 Clinical investigations not otherwise approvable that present an opportunity to understand, prevent, or alleviate a serious problem affecting the health or welfare of children.

50.64 Requirement for permission by parents or guardians and for assent by children.

50.66 Wards.

§ 50.50 Applicability.

(a) The regulations in this subpart are applicable to all clinical investigations involving children as subjects that are required to be submitted to the Food and Drug Administration under section 505(i), 507(d), or 520(g) of the act, or that are conducted in support of an application for a research or marketing permit for a product regulated by the agency, including food and color additives, drugs for human use, medical devices for human use, biological

products for human use, and electronic products.

(b) Compliance with these procedures will in no way render inapplicable pertinent State or local laws bearing upon activities covered by this subpart.

§ 50.52 Purpose.

Children are normally legally incapable of consenting to their own participation in clinical investigations and may also be unable to comprehend fully the benefits, consequences, and risks that might be involved in such participation. This subpart provides additional safeguards for the protection of children involved in such investigations.

§ 50.54 Additional duties of an Institutional Review Board where children are involved.

(a) In addition to all other responsibilities prescribed under this chapter, each Institutional Review Board shall review clinical investigations covered by this subpart. It may approve the clinical investigation only if it is satisfied that:

(1) The research methods are appropriate to the aims of the clinical investigation;

(2) The competence of the investigator(s) and the quality of the research facility are sufficient for the conduct of the clinical investigation;

(3) Where appropriate, studies have been conducted first on animals and adult humans, and then on older children, before involving very young children;

(4) Risks are minimized by using the safest procedures consistent with a soundly designed clinical investigation. Whenever appropriate and feasible, the clinical investigation should be performed within the context of diagnosis or treatment of the particular subject;

(5) Adequate provisions are made to protect the privacy of children and their parents, and to maintain the confidentiality of data;

(6) The criteria for subject selection are appropriate for the aims of the clinical investigation and permit the selection of subjects in an equitable manner, avoiding overuse of any one group of children, including overuse due to administrative convenience or availability of a population;

(7) Where appropriate, adequate provisions are made for involving a parent, guardian, or advocate in the conduct or monitoring of the clinical investigation (e.g., in situations in which the Institutional Review Board finds the subjects to be incapable of assenting

and the clinical investigation involves more than minimal risks or more than minimal discomfort to these subjects);

(8) Adequate provisions are made for monitoring the solicitation of assent and permission, as, e.g., through participation by Institutional Review Board members or by an advocate in the actual solicitation process, either for all subjects or for a sampling of subjects; and

(9) The conditions of all applicable subsequent sections of this subpart are met.

(10) The institution sponsoring the Institutional Review Board shall certify to the Commissioner, in such manner as the Commissioner may require, that the duties of the Institutional Review Board under this subpart have been fulfilled.

§ 50.56 Clinical investigations not involving greater than minimal risk.

Any clinical investigation subject to requirements for prior submission to the Food and Drug Administration under section 505(i), 507(d), or 520(g) of the act, or conducted in support of an application for a research or marketing permit for a product regulated by the Food and Drug Administration, that does not involve greater than minimal risk, may involve children as subjects if the Institutional Review Board finds that:

(a) The conditions of § 50.54 are met; and

(b) Adequate provisions are made for soliciting the assent of the children and the permission of their parent or guardian, as set forth in § 50.64.

§ 50.58 Clinical investigations involving greater than minimal risk but presenting the prospect of direct benefit to the individual subjects.

A clinical investigation subject to requirements for prior submission to the Food and Drug Administration under section 505(i), 507(d), or 520(g) of the act, or conducted in support of an application for a research or marketing permit for a product regulated by the Food and Drug Administration, that, although involving more than minimal risk, holds out the prospect of direct benefit to the individual subject or is likely to contribute to the subject's well-being, may involve children as subjects if the Institutional Review Board finds that:

(a) The risk is justified by the anticipated benefit to the subjects;

(b) The relation of the anticipated benefit to the risk is at least as favorable to the subjects as that presented by available alternative approaches;

(c) The conditions of § 50.54 are met; and

(d) Adequate provisions are made for soliciting the assent of the children and the permission of their parent(s) or guardian, as set forth in § 50.64.

§ 50.60 Clinical investigations involving greater than minimal risk and no prospect of direct benefit to individual subjects, but likely to yield general knowledge about the subjects' disorder or condition.

Any clinical investigation subject to requirements for prior submission to the Food and Drug Administration under section 505(i), 507(d), or 520(g) of the act, or conducted in support of an application for a research or marketing permit for a product regulated by the Food and Drug Administration, that involves more than minimal risk, that does not hold out the prospect of direct benefit for the individual subject, and that is not likely to contribute to the subject's well-being, may involve children as subjects if the Institutional Review Board finds that:

(a) The risk represents a minor increase over minimal risk;

(b) The clinical investigation presents to subjects experiences that are reasonably commensurate with those inherent in the subjects' actual or expected medical, dental, or other comparable situations;

(c) The clinical investigation is likely to yield knowledge about the subjects' disorder or condition which is of vital importance for the understanding or amelioration of the subjects' disorder or condition;

(d) The conditions of § 50.54 are met; and

(e) Adequate provisions are made for soliciting the assent of the children and permission of their parent(s) or guardian, as set forth in § 50.64.

§ 50.62 Clinical investigations not otherwise approvable that present an opportunity to understand, prevent, or alleviate a serious problem affecting the health or welfare of children.

Any clinical investigation subject to requirements for prior submission to the Food and Drug Administration under section 505(i), 507(d), or 520(g) of the act, or conducted in support of an application for a research or marketing permit for a product regulated by the Food and Drug Administration, that the Institutional Review Board does not believe meets the requirements of § 50.56, 50.58, or 50.60, may involve children as subjects if:

(a) The Institutional Review Board finds that the conditions of § 50.54 are met and that the clinical investigation presents a reasonable opportunity to

further the understanding, prevention, or alleviation of a serious problem affecting the health or welfare of children; and

(b) The Commissioner, after consultation with a panel of experts in pertinent disciplines (e.g., science, medicine, ethics, law), has determined either that the clinical investigation in fact satisfies the conditions of § 50.56, 50.58, or 50.60, as applicable, or that:

(1) The clinical investigation presents a reasonable opportunity to further the understanding, prevention, or alleviation of a serious problem affecting the health or welfare of children; and

(2) The clinical investigation will be conducted in accordance with basic ethical principles; and

(3) Adequate provisions are made for soliciting the assent of children and the permission of their parent(s) or guardian, as set forth in § 50.64.

§ 50.64 Requirements for permission by parents or guardians and for assent by children.

(a) In addition to the determinations required under other applicable sections of this subpart, the Institutional Review Board shall determine that adequate provisions are made for soliciting the assent of the children, when in the judgment of the Institutional Review Board the children are capable of assenting. In determining whether children are capable of assenting, the Institutional Review Board shall take into account the ages and maturity of the children involved. This judgment may be made for all children under a particular research protocol, or on a more individualized basis, as the Institutional Review Board deems appropriate. If the Institutional Review Board determines that child is so young or incapacitated that he or she cannot reasonably be consulted or that the clinical investigation holds out a prospect of direct benefit that is important to the health or well-being of the child and is available only in the context of the clinical investigation, the assent of the child need not be obtained. If the Institutional Review Board determines that a child is so young or incapacitated, and the child is not under the guardianship of a parent, then permission of both the guardian and a subject advocate shall be obtained.

(b) If the Institutional Review Board determines under paragraph (a) of this section that the child's assent need not be obtained, it shall also determine whether an advocate should be appointed for the child. In making that determination, the Institutional Review Board shall take into account such

factors as whether there are likely to be financial or other pressures on the parent(s) or guardian that could affect their ability to consider solely the interests of the child in deciding whether to consent to the child's participation in the clinical investigation. The role of the advocate would be to advise the Institutional Review Board, parents, and investigators of any concerns the advocate may have about the child's participation in the clinical investigation.

(c) In addition to the determinations required under other applicable sections of this subpart, the Institutional Review Board shall determine that adequate provisions are made for soliciting the permission of each child's parent(s) or guardian. Where parental permission is to be obtained, the Institutional Review Board may find that permission of one parent is sufficient for research to be conducted under § 50.56 or 50.58, but in doing so the Institutional Review Board shall consider such factors as the nature of the clinical investigation and the age, maturity, status, and condition of the subject. Where the clinical investigation is covered by § 50.60 or 50.62 and permission is to be obtained from parents, both parents shall give their permission unless one parent is deceased, unknown, incompetent, or not reasonably available, or the child belongs to a singleparent family (i.e., when only one parent has legal responsibility for the care and custody of the child).

(d) If the Institutional Review Board determines that a research protocol is designed for conditions or for a subject population for which the permission of the parent(s) or guardian is not a reasonable requirement to protect the subjects (e.g., neglected or abused children), it may waive the informed consent requirements of this part and the consent requirements of paragraph (c) of this section, provided an appropriate mechanism for protecting the children who will participate as subjects in the clinical investigation is substituted and provided further that the waiver is not inconsistent with State or local law. The choice of an appropriate mechanism would depend upon the nature and purpose of the activities described in the protocol, the risk and anticipated benefit to the subjects of the clinical investigation, and the age, maturity, status, and condition of the subjects.

(e) The Institutional Review Board shall determine how permission by parents or guardians will be documented.

(f) When the Board determines that assent is required, it shall also determine how assent shall be documented.

§ 50.66 Wards.

(a) Children who are wards of the State or any other agency, institution, or entity may be included in clinical investigations approved under § 50.60 or 50.62 only if the clinical investigation is conducted in schools, camps, or similar group settings in which the majority of children involved as subjects are not wards.

(b) If the clinical investigation is approved under paragraph (a) of this section, the Institutional Review Board shall require appointment of an advocate for each child, in addition to any other individual acting as guardian or in loco parentis for the child. The advocate shall act in the best interest of the child and shall have the same opportunities to intercede that are normally provided for parents.

(c) If a child who is a ward objects to participation in the clinical investigation, but the child's assent is not required under § 50.64, the child may be included as a subject only with the approval of both the child's guardian and the advocate for the child.

Interested persons may, on or before June 25, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-85, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order. A copy of the regulatory analysis assessment supporting this determination is on file with the Hearing Clerk, Food and Drug Administration.

Dated: April 5, 1979.

Donald Kennedy,
Commissioner of Food and Drugs.

[Docket No. 78N-0331]

[FR Doc. 79-12306 Filed 4-19-79; 12:55 pm]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[21 CFR Part 310]

Requirement for Estrogens Labeling Directed to the Patient

Correction

In FR Doc. 79-11678 appearing at page 22752 in the issue of Tuesday, April 17, 1979, on page 22755, first column, second line from the top, delete "on May 17, 1979" and insert the following in its place: "30 days after the date of publication of the final rule in the Federal Register."

[Docket No. 78-0303]

BILLING CODE 1505-01-M

POSTAL SERVICE

[39 CFR Part 233]

Inspection Service Authority; Mail Covers; National Security

AGENCY: Postal Service.

ACTION: Proposed Rule.

SUMMARY: The Postal Service proposes to amend its mail cover regulations so as: (1) To define more specifically when the issuance of a mail cover order is necessary to protect the national security; and, (2) to provide that the requesting authority for a national security mail cover order shall be the head of the law enforcement agency requesting the cover, and that the requesting authority for an extension of such an order shall be the head of the executive department having jurisdiction of the agency. This proposal is prompted in part by a federal district court opinion declaring the present national security mail cover regulation to be unconstitutionally vague, and by the practical consideration that it is easier and quicker to amend the regulation so as to make it more specific than to pursue available appeal procedures. The purpose of both regulatory amendments is to show generally that the "national security" mail cover program is a carefully limited and well-focused program which does significantly protect the national security, but which does not significantly affect the general privacy of the mails or impair First Amendment values. This is the first substantive amendment proposed to these regulations since their adoption in 1965.

DATE: Written comments must be received on or before May 24, 1979.

ADDRESSES: Comments should be directed to Assistant General Counsel,

Special Projects, U.S. Postal Service, 475 L'Fant Plaza West, SW., Washington, D.C. 20260. Written comments will be available for public inspection and copying outside room 9000, 475 L'Fant Plaza West, SW., Washington, D.C., between the hours of 9 a.m. and 4 p.m. daily.

FOR FURTHER INFORMATION CONTACT: Charles R. Braun, 202-245-4620.

SUPPLEMENTARY INFORMATION: A mail cover is a useful investigative technique which intrudes upon the general privacy of the mails. Its use is accordingly limited by postal regulations to instances where the official investigative need is high and the use of a mail cover is appropriate.¹

The technique works as follows: certain information on the cover of certain mail in transit is systematically recorded for a limited time by postal employees having custody of that mail, and the records made of that information are provided to authorized government investigators for certain official uses designated in postal regulations. The information which is recorded and reported generally consists of the sender's name and address, if shown on the cover; the name of the addressee; the date and place of the postmark; and the class of mail service. Under existing mail cover regulations, no mail is opened, delayed, or detained, and no non-postal investigator obtains physical access to the mails under the authority of a mail cover order.²

No provision of the Constitution or of any law either specifically authorizes or specifically prohibits mail covers. Existing law generally authorizes the Postal Service to conduct investigations of postal offenses, and to cooperate with other government agencies, 39 U.S.C.

¹ 39 CFR 233.2 (1978).

² 39 CFR 233.2(f)(1) (1978); Postal Service Manual ("PSM") 115, 39 CFR 111.5(a)(5) (1978), 43 FR 40,811-40,815 (1978); 18 U.S.C. 1702-1703(a).

The prohibition against delay of mail reflects the statutory commands of sections 1702 and 1703, and is reflected in paragraph 10 of the standard mail cover order, the second sentence of which states: "Do NOT delay delivery of mail to obtain this information." PS Form No. 2009, which is attached as an appendix, on which mail cover information is recorded, contains a space for the postmaster to attest to the statement that, "Delivery of mail was not delayed while obtaining this information." Carrying out the prohibition against delay means, not that the information must be recorded instantaneously, but that it must be recorded without causing the mail to pass through the postal system on any schedule later than the schedule of transmission and delivery that would have applied to it if no mail cover order had been issued.

Mail which is not sealed against postal inspection does not acquire any immunity from postal inspection by reason of a mail cover on such mail. See, PSM 115.22, 43 FR 40,812 (1978); 39 CFR 233.2(c)(1) (1978).

401(10), 404(a)(7), 411 (1976). Existing law also authorizes the Postal Service to protect the general confidentiality of the names and addresses of postal customers and of other essentially private information which postal customers disclose to the Postal Service in the course of their use of the mails, 39 U.S.C. 101(a), 403, 404(a)(1), 410(c)(1) (1976). Existing law thus suggests that the Postal Service should seek a reasonable balance between its law enforcement and privacy responsibilities, but does not offer specific guidance in the mail cover area on exactly where the line between the public's right to privacy, and the public's right to effective law enforcement, should be drawn.

Existing law also makes the Postal Service responsible for the economical and efficient operation of the postal system, and for the proper transmission of the mails without unauthorized detention or delay.³ As a result, mail covers are limited in practice to those which can be accomplished without incurring significant costs and without causing delay or detention of mail in transit. A mail cover order would not be issued, for example, for information on the cover of all mail directed to a particular city, or sent by a particular person from all entry points in the postal system, for the operational reason that such coverage could not be accomplished except by delaying the mails and incurring excessive costs. Mail cover orders are executed by the Postal Service, without charge to the requesting agency. Typically, the record is made at the post office which delivers to the addressee who is the target of the mail cover.

At present, a Postal Service decision to issue a mail cover order generally reflects a postal decision of two different issues. The first is an essentially regulatory decision, based principally on the information submitted by the requesting official, as to whether the requested order meets one of the three regulatory tests: that the mail cover is necessary to locate a fugitive, to gather evidence of the commission or attempted commission of a crime, or to protect the national security. The second is a managerial decision, based on a knowledge of postal operations, whether the requested order can be effectuated without adversely or unlawfully affecting postal operations such as by delaying the mails or incurring excessive costs.

Historically, the policy of the Postal Service concerning mail cover

³ 39 U.S.C. 101 (e), (f), 403 (a), (b), 1001(e)(4), 2010, 3621, 3661(a) (1978); 18 U.S.C. 1702-1703(a) (1976).

information has always been to give very high consideration to the fact that the names, addresses, and other information placed on the covers of mail matter by postal customers are furnished to postal employees for the purpose of enabling them to deliver the mail, and that such information should therefore generally be held in trust, regarded as confidential, and not subjected to public disclosure.⁴ The following limited exceptions, however, have developed for assisting law enforcement officers in performing essential investigative tasks without significantly eroding the general confidentiality or privacy of the information on the covers of mail matter. (1) Since the late 19th century, postal regulations have authorized the disclosure of mail cover information to officers of the law to enable them to locate a fugitive from justice.⁵ (2) Starting in the 1940's, the disclosure of mail cover information to officers of the law upon official request was authorized by postal regulations. In 1965, however, following Congressional investigations of disclosures of mail cover information to government officials, the circumstances other than fugitive cases in which postal regulations authorized the disclosure of mail cover information to official investigators were limited to those "necessary" either: (a) To obtain evidence of the commission or attempted commission of a crime; or, (b) to protect the national security.⁶

The constitutionality and legality of the mail cover procedures authorized by postal regulations have generally been upheld by the courts.⁷ Mail cover

⁴ PSM 115.5, 39 C.F.R. 111.5(a)(5) (1978), 43 FR 40, 812 (1978).

⁵ Present mail cover regulations on locating a fugitive are contained in 39 C.F.R. 233.2(c)(1)(ii), (c)(2), (d) (ii)(B), (e)(1)(ii), (f)(8) (1978).

⁶ An agreement on this subject between the Postmaster General and the Chairman of the Senate Subcommittee is reported in: "Invasion of Privacy (Government Agencies)". Hearings before the Subcomm. on Administrative Practice and Procedure of the S. Comm. on the Judiciary, 89th Cong., 1st Sess., pursuant to S. Res. 39, February 10, 23, 24, and March 2, 1965, part I, page 320.

Current regulations on non-fugitive mail covers are contained in 39 C.F.R. 233.2(d)(2)(i), (ii) (A) and (C), (e)(1) (i), (ii) (1978).

The historical summary presented above is based on a detailed historical essay describing the development of the Postal Service's mail cover regulations contained in the Postal Service's 1975 prepared testimony on mail cover practices, "Surveillance," Hearings before the Subcomm. on Courts, Civil Liberties, and the Administration of Justice, H.R. Comm. on the Judiciary, 94th Cong., 1st Sess., on the Matter of Wiretapping, Electronic Eavesdropping and other Surveillance, February 6, 18; March 4, 18, 21; May 22; June 28; July 25; and September 8, 1975, Serial No. 20, Part 1, pages 323-354.

⁷ *United States v. Châte*, 576 F.2d 105 (9th Cir. 1978); and cases cited therein and in Hearings, *supra* note 6, at 328.

procedures have been reviewed by the 89th, 94th, and 95th Congress, but no legislation has been enacted specifically prescribing mail cover procedures.

Recently, a federal district judge issued an opinion and partial summary judgment order which, while generally conceding the constitutionality and legality of the Postal Service's mail cover regulations and procedures, declared the "national security" part of the mail cover regulations to be unconstitutionally vague, on the theory that this part's asserted vagueness may have a "chilling effect" on freedom of speech.⁸ The Postal Service considers the interlocutory order to be erroneous, in summary: Because the regulation is not a rule of conduct applicable to speech whose intrinsic lack of specificity should alone be expected to reasonably affect private speech decisions; and because publicly available information on all aspects of the "national security" mail cover program precludes any reasonable belief that this part of the regulation is loosely construed in practice. Mail cover and other postal statistics regularly submitted to Congress indicate that no more than a few hundred "national security" mail cover orders are issued a year, compared to approximately 40,000 post offices, branches, and stations; more than a hundred thousand letter carrier routes; and almost 100 billion pieces of mail annually.⁹

The following considerations, however, indicate that on balance, in view of the judge's decision, it would be in the public interest to amend postal regulations so as to define, more specifically, the regulations' words "necessary to protect the national security". (1) The present national security mail cover program, although limited in scope, is, in the opinion of the Postal Service, one that substantially serves the national interest. Its legality should not be left in doubt for an extended period of time. (2) The doubt created by the district judge's opinion can be removed more quickly and more certainly by amending the regulation than by pursuing and awaiting the outcome of an appeal. (3) The regulation can be made considerably more specific without greatly extending its length. (4) Since the term "national security" has sometimes been used loosely, a specification of the postal meaning of the words "necessary to protect the national security" in this regulatory context may help justify Congressional

and public confidence that the program is operating in accordance with its limited objectives. (5) The regulation can be drawn with greater specificity, without endangering the national security.

In drawing a more explicit definition of the words "necessary to protect the national security", the Postal Service considered the recently enacted definition of the words, "foreign intelligence information," in the Foreign Intelligence Surveillance Act of 1978, Public Law No. 95-511. The Postal Service did not, however, seek to use this definition to define "national security" for several reasons. First, the Act's definition of "foreign intelligence information" and its further sub-definitions of the words used in the definition result in a set of definitions which appears to be highly technical and unsuitable because of its length for inclusion in these comparatively succinct regulations.

Second, the Act's concept of "foreign intelligence information" is a broad concept reflecting the extent of the purposes for which the gathering of information through wiretapping or electronic surveillance may generally be authorized through wiretapping or electronic surveillance under the Act. The statutory definition extends broadly to "information with respect to a foreign power or territory that relates to * * * the national defense or * * * security * * * or the conduct of foreign affairs. * * *" The substantial checks, balances, and limitations on the gathering of such information through wiretapping or electronic surveillance, certain of which cannot be duplicated in postal regulations, are embodied elsewhere in the Act. In contrast, the mail cover regulations' words "necessary to protect the national security" embody a concept which is limited to the protection of national security and which reflects a balance between the protection of national security and the protection of mail privacy. To redefine "necessary to protect the national security" as "necessary to obtain foreign intelligence information as defined in Pub. L. No. 95-511" would thus seem to authorize a substantial expansion of the scope the national security mail cover program.

Postal regulations as now construed—and as specifically proposed to be amended—do not allow "foreign" national security mail cover surveillance for the general purpose of collecting information about any foreign country. Instead, "foreign" national security mail cover surveillance is requested and authorized in practice under existing

postal regulations only in relation to some actual or potential serious threat to the national security posed by the hostile activity of some foreign power or its agents. Examples of such instances in which such national security mail cover surveillance has been requested and authorized in the past include such activities as investigating the unauthorized disclosure of classified information to agents of a hostile foreign power.

The proposed regulatory definition of the words, "necessary to protect the national security", is set forth below. It would not embrace mail cover orders which have heretofore been authorized in support of "domestic" national security investigations. Such investigations extend to the illegal activities of domestic terrorist groups and other activities by U.S. citizens or groups which are contrary to law.¹⁰ Under current practice, therefore, mail cover requests issued in connection with such "domestic" national security investigations entail investigations of the commission or attempted commission of a crime. Mail cover orders can accordingly be issued under a part of the mail cover regulations which the district judge impliedly considered to be constitutionally specific enough.

As an additional measure designed to improve public confidence in the present operation of the "national security" mail cover program, postal regulations would be amended by the proposal so as to require the head of the requesting law enforcement agency to approve national security mail cover requests personally, and for the head of the executive department having jurisdiction of the agency to approve requests for extensions of such covers. These requirements for high level personal approval generally conform to present internal Department of Justice guidelines, in which strict controls are exercised over mail cover requests, which cannot be issued by any authority lower than that of the FBI Director. Since the Department of Justice is the principal user of national security mail covers, these requirements would not impose significant new burdens on the preparation of most applications for such mail covers. Extensions of national security mail covers entail a very high degree of surveillance of the subject of a national security mail cover, typically continuous and indefinite surveillance. Since mail covers themselves represent

⁸ *Paton v. LaPrade*, D. N.J. Civ. No. 1091-73, opinion filed November 29, 1978; order and judgment, December 21, 1978.

⁹ Hearings, *infra* note 8 at 332-333; Annual Report of the Postmaster General, Fiscal Year 1978, pp. 3, 22, 24-25, 27.

¹⁰ Attorney General, Guidelines for Domestic Security Investigations, April 5, 1976, sec. 1A; Federal Bureau of Investigation, Guidelines for Domestic Security Investigations, January 31, 1978, secs. 100-1.1, 100-1.3.

a significant exception from the general rule of holding information appearing on the cover of mail in confidence, it would appear that the few decisions that are made each year to request national security mail covers can and should be made at very high levels of government. Such requirements would thereby help demonstrate the limited but important nature of the national security mail cover program. It is not the intent of these amendments to interfere with the ongoing administration of this program whenever there is a vacancy in these offices or the incumbent is unable to discharge his duties personally, as in the case of illness. In such instances, the person acting as head of the agency or department would be authorized to approve the request.

The mail cover regulations would not be changed insofar as they require the requesting agency to stipulate specifically the grounds upon which a mail cover is sought and authorize the Postal Service to determine whether a mail cover order should be issued.

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking, 39 U.S.C. 410(a), the Postal Service invites comments on the following proposed revision of title 39, Code of Federal Regulations:

PART 233—INSPECTION SERVICE AUTHORITY

In § 233.2 add new paragraphs (c)(5), (f)(7), and (f)(8), reading as follows:

§ 233.2 Mail covers.

* * * * *

(c) Definitions. * * *

(5) *To protect the national security* means to protect the United States from any of the following actual or potential threats to its security by a foreign power or its agents: (i) An attack or other grave hostile act; (ii) sabotage or international terrorism; (iii) clandestine intelligence activities; or, (iv) the conduct of foreign affairs or military policies in opposition to those foreign and military policies of the United States which are intended to protect the United States from the foregoing enumerated actual or potential threats. * * *

(f) Limitations. * * *

(7) Any national security mail cover request must be approved personally by the head of the law enforcement agency requesting the cover.

(8) Any request for an extension of a national security mail cover must be approved personally by the head of the executive department having jurisdiction of the law enforcement

agency to which the information produced by the cover would be reported. In this provision, an extension is defined as a request for a cover on a person or organization that in the preceding two years has been the subject of a national security mail cover.

(39 U.S.C. 101, 401, 403, 404, 410, 411)

Fred Eggleston,

Acting Assistant General Counsel Legislative Division.

BILLING CODE 7710-12-M

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Notices

Federal Register

Vol. 44, No. 80

Tuesday, April 24, 1979

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Clean Air Act; Review of Primitive Areas for Recommending Class I Redesignation

Purpose:

This notice is given to inform the public of final results of a review made of 15 National Forest primitive areas to determine if they should be recommended for redesignation to Class I.

Background

The Federal Register (43 FR 17990, April 27, 1978) described the background, procedure, preliminary results, and completion schedule for this review and invited comments.

The Forest Service analysis and response to the comments received are described below:

Public Comment and Response: The Forest Service received correspondence from 31 respondents to the Federal Register notice. Of these, 15 were from States, 9 from industry, 1 from a United States Senator, 1 from a Federal agency, 4 from clubs or associations, and 1 from an individual.

Many of the comments expressed disagreement with the procedure used by the Forest Service in arriving at preliminary recommendations. A common basis for this disagreement was that the procedure failed to consider factors other than Air Quality Related Values. Many felt it incumbent upon the Forest Service to analyze economic impacts of redesignation and to utilize such information to arrive at a recommendation.

The Forest Service procedure was developed only after careful study of the Act and its legislative history. It is clear that the Act limits the role of the Federal land manager in the redesignation

process. Authority to redesignate air quality classifications over Federal lands other than mandatory Class I areas was given the States.

In its report of May 12, 1977, pertaining to the Clean Air Amendments of 1977, the House Committee on Interstate and Foreign Commerce stated its views on the redesignation process. The Committee believes that the public interest and full public participation is better advanced by a State redesignation process * * * the States will be considered to have assured adequate public involvement and consideration of the public interest by meeting the following procedural requirements. First, the State must provide a satisfactory analysis of the health, environmental, economic, social and energy effects of the proposed redesignation. Second, public hearings are to be held in the areas proposed for redesignation. Third, the proposed redesignation must be approved by local governments representing a majority of the people of the areas affected by the redesignation and the State legislature must be consulted * * * "Of course, air quality is not the only, let alone the decisive factor in influencing a State's growth decisions. And though air quality and emission requirements must be met, they are merely one of many sets of factors the State may wish to consider. In determining whether to classify an area, the States are directed by the bill to prepare an analysis, not only of health and environmental impacts, but also of economic, energy and social impacts." Clean Air Act Amendments of 1977; Report by the House of Representatives Committee on Interstate and Foreign Commerce, Report No. 95-294, 95th Congress, First Session, pages 149-150.

The separate views of Representatives Devine, Krueger, Broyhill, Gammage, Clarence J. Brown, Collins, Moore, and Stockman, in the above reference report, reflected their concern with the procedural requirements of the redesignation process.

"In order to reclassify an area of a State, the State would be required to comply with each of the following procedures:

1. Make specific findings as to the desirability of redesignating as a Class I area each area of special environmental concern;
2. Prepare a health, environmental, economic, social, and energy impact

statement on the effects of any proposed redesignation." (id page 524).

The Forest Service strongly believes in the necessity to evaluate all impacts prior to a redesignation. The law requires this be done. However, it is apparent that this evaluation is to be made by the States. The Forest Service role is to review the 15 National Forest primitive areas and recommend appropriate areas for redesignation to Class I *where air related values are important attributes of the area*. It is for the States to decide whether or not a redesignation of their air classification is in the public interest.

Some respondents expressed a desire for more public involvement. Before the States can make a redesignation, public involvement, including hearings are required by Section 164(b)(1)(A) of the Act. Consequently, the Forest Service believes adequate opportunity exists for the public to be involved in the redesignation decisionmaking process and, therefore, feels that the April 27 Federal Register announcement provided a suitable opportunity for public comment on Forest Service recommendations.

The consultation process with the States was regarded by some respondents as appearing inadequate. The April 27 Federal Register notice stated that affected States had been consulted, were being sent copies of the notice via the A-95 Clearinghouse procedure and would be consulted again prior to submitting our final report. These consultations have been completed. The Forest Service believes this adequately meets the consultation requirement.

One respondent felt that only primitive areas over 10,000 acres should be considered for Class I redesignation because the Act states that wildernesses less than 10,000 acres created after passage of the Act could be redesignated Class III. We have not automatically included or excluded any primitive area on the basis of size nor do we believe it proper to do so. The one primitive area under 10,000 acres differs from the others in that it could be redesignated to Class III if classified as wilderness. This has nothing to do with whether or not Air Quality Related Values are important attributes, and therefore should not be used as a discriminatory tool.

Another area of concern expressed by some respondents was in the definition of Air Quality Related Values and how these values are affected by Class I or Class II pollutant levels. The general definition of Air Quality Related Values was given in the Federal Register notice as including the fundamental purpose for which such lands have been established and preserved. The Act (Pub. L. 95-95) specifically mentions visibility as an Air Quality Related Value. The Forest Service is managing primitive areas so as not to compromise their wilderness values prior to such time as Congress decides whether or not to designate them as wilderness. Therefore, Air Quality Related Values are the same for primitive areas as they are for wildernesses. Wilderness is defined by the Wilderness Act as "an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does remain." A wilderness is further defined in the Wilderness Act as "an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, *which is protected and managed so as to preserve its natural conditions* and which (1) generally appears to have been affected by the forces of nature, with imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least 5,000 acres of land or is of sufficient size as to make practicable its preservation and use in unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value."

Retention of natural conditions is one of the primary purposes for which wilderness is established. Natural conditions can be affected by air quality. Ample evidence has been given during hearings on the Clean Air Act to show effects of air quality on visibility. Other studies have shown deleterious effects from air pollutants on vegetation such as lichen, white pine, fir, and blue-green algae.

Odor, flora, fauna, soils, water, geologic features, and climate can all be affected by air pollutants. Since they are components of the "natural conditions" that are basic to wilderness, they are Air Quality Related Values and have been considered as such for purposes of this review.

How these Air Quality Related Values are affected at various pollutant levels is not pertinent to our review. Our results are based on determining whether or not Air Quality Related

Values are present and are important attributes of each area. To this end, each primitive area was reviewed on an individual basis and a written discussion of their Air Quality Related Values prepared. The Forest Service report to Congress and the affected States includes the individual area reports as part of the supporting analysis.

Several respondents indicated agreement to all or parts of our procedure and preliminary results. On no subject was there complete consensus.

Consultation With Affected States

The affected States are: Montana, Idaho, Utah, Colorado, Wyoming, California, New Mexico and Arizona. The Forest Service has consulted with each of these States to explain our review process and to get comments on it before beginning the review, consulted during the review, and we have completed a final consultation prior to sending our recommendation to the Congress and the States.

All of the States understand the legal responsibility the Forest Service had to make the review. They agreed that the process the Forest Service used is acceptable.

All of the States agreed that Air Quality Related Values in the primitive areas were important and needed suitable protection. The following were concerns or reservations expressed by individual States:

● Montana will not begin to study possible redesignations of air quality areas until they are finished with adoption of Federal air quality standards.

● New Mexico will not propose any redesignations for several years unless strong public interest changes established priorities for air management work in the State.

● Arizona believes that the agency proposing a Class I redesignation should do the comprehensive analysis required by Section 164(b)(1)(A) of the Clean Air Act.

The State recommend future work be done to better define Air Quality Related Values in measurable terms. The State believes it would be reasonable for the Federal agency to monitor ambient air quality, in areas recommended for redesignation, to determine the baseline. The State invited continuing Federal participation with them in air management.

● Idaho recommended that redesignation of a primitive area should be begun only after it is designated as wilderness.

● Utah stated that the review was ill-timed until the concept of Class I areas and their effects on a State were fully defined, but they understood the requirement the Forest Service had to make the review. Any decisions for proposing additional Class I areas should be delayed until the trade-offs can be fully addressed.

All of the States acknowledged their lead role in scheduling and implementing air quality area redesignations.

Conclusion

After careful consideration of all comments received and following consultation with each of the affected States, the Forest Service believes its review procedure to be sound and that it shows Air Quality Related Values are important attributes of each of the areas listed below. Therefore, the Forest Service is recommending all 15 primitive areas be considered for redesignation as Class I. The Forest Service has reported its recommendations with supporting analysis to Congress and the affected States.

AREAS RECOMMENDED FOR CLASS I

Area Name	Size (Acres)	Affected State(s)
Blue Range	211,710	Arizona/New Mexico
High Sierra	11,656* (10,247)	California
Salmon Trinity Alps	287,337* (285,337)	California
Emigrant Basin	6,151	California
Uncompahgre	69,253	Colorado
Wilson Mountains	30,925* (30,875)	Colorado
Idaho	1,232,744	Idaho
Salmon River Breaks	216,025* (217,185)	Idaho
Spanish Peaks	50,816	Montana
Gila	132,788	New Mexico
Black Range	169,984	New Mexico
High Uintas	236,509* (237,177)	Utah
Cloud Peak	136,905	Wyoming
Pogo Agie	71,320	Wyoming
Glacier	6,497	Wyoming

*Acreages revised based on information available since the April 27 announcement. Previously shown acres are in brackets.

Copies of these recommendations and supporting analysis may be inspected at the office of the Forest Service, Room 340 Commonwealth Building, 1300 Wilson Boulevard, Rosslyn, Virginia.

John R. McGuire,
Chief, Forest Service, Department of Agriculture.
[FR Doc. 79-12613 Filed 4-23-79; 8:45 am]
BILLING CODE 3410-11-M

Forest Plan for the Black Hills National Forest; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of

Agriculture will prepare an Environmental Impact Statement for the Forest Plan for the Black Hills National Forest. The planning process is outlined in a work plan on file at the Regional Forester's Office, Rocky Mountain Region, 11177 West Eighth, Denver, Colorado, and at the Supervisor's Office, Black Hills National Forest, Custer, South Dakota, and the District Offices in Rapid City, Spearfish, Deadwood, Custer and Hill City, South Dakota, and Newcastle and Sundance, Wyoming.

The Black Hills National Forest is located in Fall River, Custer, Pennington, Lawrence, and Meade Counties in southwestern South Dakota, and Crook and Western Counties in northeastern Wyoming.

Craig Rupp, the Regional Forester of the Rocky Mountain Region, is the responsible official, and James R. Mathers, the Forest Supervisor of the Black Hills National Forest, is the person in charge of the project.

Based on the proposed regulations implementing the National Forest Management Act, it appears that the planning process will require about two years. The Draft Environmental Impact Statement is tentatively scheduled for completion by September 1980. A 90-day period for public review and comments will follow. The Final Environmental Impact Statement is tentatively scheduled for filing with Environmental Protection Agency in June 1981. These dates are subject to change based on requirements to be contained in the National Forest Management Act regulations, when finalized.

Comments on the Notice of Intent or on the project should be sent to James R. Mathers, Forest Supervisor, Black Hills National Forest, P.O. Box 792, Custer, South Dakota 57730.

Dated: April 16, 1979.

F. A. Dorrell,

Deputy Regional Forester, Rocky Mountain Region.
[FR Doc. 79-42658 Filed 4-23-79; 8:45 am]

BILLING CODE 3410-11-M

Forest Plan for the Nebraska National Forest (and Associated Units) - Nebraska and South Dakota; Intent to Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an Environmental Impact Statement on the Forest Plan for the Nebraska National Forest (and Associated Units).

The Nebraska National Forest (and Associated Units) is composed of both National Forests and National

Grassland units, and is located in Blaine, Dawes, Sioux, Thomas, and Cherry Counties in Nebraska, and Jackson, Washabaugh, Pennington, Fall River, Custer, Hughes, Jones, Lyman, and Stanley Counties in South Dakota. The Forest Supervisor has administrative authority over all National Forest System lands included as part of the Nebraska National Forest (and Associated Units); i.e., the Samuel R. McKelvie National Forest and Oglala National Grassland located in Nebraska, and the Buffalo Gap and Fort Pierre National Grasslands in South Dakota. These lands total approximately 351,000 acres in Nebraska and 707,900 acres in South Dakota.

There have not been any formal public meetings directly related to the Forest Plan held to date. Initial issues and concerns have been identified from public meetings, correspondence and individual contacts resulting primarily from previous planning efforts for various activities and/or projects initiated by the Forest.

These issues and concerns focus on potential effects of land management on domestic grazing, hardwood draws, prairie dog management, off-road vehicle use, dispersed recreation, water quality and quantity, wildlife populations, and the role of National Grasslands in the demonstration of proper land management techniques.

A series of public meetings will be held beginning in May 1979 at locations within Nebraska and South Dakota to further define issues and concerns, and generally, facilitate public involvement in the decisionmaking process. Media releases will be issued at least 30 days prior to the meetings that will specify time, location, and purpose of the meeting.

Craig W. Rupp, Regional Forester, Region Two, is the responsible official. Deen Boe, Forest Supervisor, is responsible for the preparation of the Environmental Impact Statement and Forest Plan. Bill Gast, Forest Planning Staff Officer, is the team leader for the Environmental Impact Statement and Forest Plan.

Based on the proposed regulations implementing the National Forest Management Act, it appears that the planning process will require about 2 years. The Draft Environmental Impact Statement is tentatively scheduled for completion by August 1980. A 90-day period for public review and comments will follow. The final Environmental Impact Statement is tentatively scheduled for filing with the Environmental Protection Agency in February 1981 with implementation of

the Forest Plan to begin in March 1981. These dates are subject to change based on requirements to be contained in the National Forest Management Act regulations, when finalized.

Comments on this Notice of Intent or on the Forest Plan should be sent to Deen Boe, Forest Supervisor, Nebraska National Forest, 270 Pine Street, Chadron, Nebraska 69337, Telephone No. (308) 432-3367.

Dated: April 16, 1979.

F.A. Dorrell,

Deputy Regional Forester Rocky Mountain Region.

[FR Doc. 79-12659 Filed 4-23-79; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

American Airlines, Inc., Respondent, Enforcement Proceedings; hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled matter will be held on May 22 and 23, 1979, at 9:30 a.m. (local time) in Room 1003, Hearing Room C, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned judge.

Dated at Washington, D.C., April 16, 1979.

John J. Mathias,

Administrative Law Judge.

[Dockets 31620, 31630, 32010, 32057, 32071, 32072, 30491, 30499, and 30696]

[FR Doc. 79-12700 Filed 4-23-79; 8:45 am]

BILLING CODE 6320-01-M

Eastern Air Lines, Inc., Respondent, Enforcement Proceeding; Postponement of Hearing¹

By motion dated April 12, 1979, respondent Eastern Air Lines, Inc. (Eastern), has requested postponement of the hearing herein from May 1, 1979 to May 15, 1979. Eastern's request is based on the grounds that: (1) Its attorneys will be engaged in the preparation of reply briefs in Docket 34226, the Eastern/National merger case, at that time; and (2) the additional time might facilitate a settlement of this matter. BCP does not oppose the extension on the first ground, but does oppose any extension based on the progress of settlement negotiations. Counsel for some of the complainants, ASH, opposes the extension on any ground, citing inconvenience to third party complainants and conflict with its own schedule. ASH also indicates that it will not be available during the last three weeks of May. For the reasons stated below I will grant a postponement in this matter until June 5, 1979.

Under the procedures adopted by the Board for enforcement cases such as this one, there is no opportunity for a

¹ Dockets 26236, 26369, 27415, 28292, 28294, 28630, 28597, 29213, 29216, 29247, 29228, 29229, 29650, 29900.

prehearing conference at which a mutually acceptable hearing date can be worked out. It has been the practice of the administrative law judges, therefore, to select a date for such hearings and issue a "Notice of Hearing." This sometimes results in a date which conflicts with other responsibilities of one or more of the parties. Where this occurs, it is my practice to reschedule the hearing to a date which is acceptable to all.

I find that the first ground stated by Eastern constitutes a proper basis for postponement. I sympathize with ASH's position that Eastern should have raised its objections on this ground at an earlier date. However, I believe that, on balance, the postponement should be granted.

At the same time, it is clear that May 15, 1979 is not an acceptable date to commence hearings herein, since ASH will not be available to participate. Therefore, I have had BCP counsel poll the parties to determine a date when all counsel are available. As a result, June 5, 1979, is set as the substitute date for this hearing.

Accordingly, it is ordered that:

The hearing in the above-entitled proceeding, which was assigned to be held on May 1, 1979, (44 FR 19499, April 3, 1979), is postponed to June 5 through 7, 1979, beginning at 9:30 a.m. (local time) on June 5, and will be held in Hearing Room B, Room 1003, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., April 19, 1979.

John J. Mathias,
Administrative Law Judge.

[Docket Nos. 26368, etc.]
[FR Doc. 79-12699 Filed 4-23-79; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Massachusetts Coastal Management Program; Intent To Approve Refinement

Notice is hereby given of the intent by the Office of Coastal Zone Management (OCZM) to approve refinements to the Massachusetts Coastal Management Program (MCZMP) by the addition of regulations to cover three areas:

1. revisions to the CZM regulations of the Executive Office of Environmental Affairs establishing the MCZMP,
2. new Scenic Rivers regulations of the Department of Environmental Management, and

3. revisions to the Massachusetts Environmental Policy Act regulations of the Executive Office of Environmental Affairs.

Interested parties have 30 days from the issuance of this notice to submit comments. If no serious disagreement of that action is raised during this comment period, the Assistant Administrator for Coastal Zone Management intends to give formal approval to these refinements.

Comments should be addressed to: Dick O'Connor, Deputy North Atlantic Regional Manager, Office of Coastal Zone Management, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

A full text of the proposed refinements to the Massachusetts Coastal Management Program has been distributed to all Federal agencies. Interested parties wishing to obtain copies of the refinements may request copies from OCZM at the above address.

Dated: April 16, 1979.

R. L. Carnahan,
Acting Assistant Administrator for Administration.
[FR Doc. 79-12561 Filed 4-23-79; 8:45 am]
BILLING CODE 3510-08-M

Rhode Island Coastal Management Program; Approval of Amendments

Notice is hereby given that the Office of Coastal Zone Management has approved amendments to the Rhode Island Coastal Zone Management Program effective April 6, 1979. The amendments include the addition of the following regulations:

1. Shorefront Access and Protection Regulations
2. Shoreline Erosion Mitigation Regulations
3. Findings, Policies and Regulations on Energy

Notice of intent to approve these amendments was published in the Federal Register and interested parties had until March 12, 1979 to comment. A full text of the proposed amendments to the Rhode Island Coastal Management Program was distributed to all Federal agencies. Interested parties wishing to obtain copies of the amendments may request copies from: Dick O'Connor, Deputy North Atlantic Regional Manager, Office of Coastal Zone Management, Page Building No. 1, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, (202) 634-4235.

Dated: April 16, 1979.

R. L. Carnahan,
Acting Assistant Administrator for Administration.
[FR Doc. 79-12562 Filed 4-23-79; 8:45 am]
BILLING CODE 3510-08-M

Pacific Fishery Management Council's Dungeness Crab Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Pacific Fishery Management Council was established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), and the Council has established a Dungeness Crab Subpanel which will meet to discuss the second draft of the Dungeness Crab Fishery Management Plan.

DATES: The meeting will convene on Wednesday, May 9, 1979, at 1 p.m. and adjourn at approximately 5 p.m.; reconvening on Thursday, May 10, 1979, at 8 a.m. adjourning at 12 noon. The meeting is open to the public.

ADDRESS: The meeting will take place at the Pony Village Lodge, North Bend, Oregon.

FOR FURTHER INFORMATION CONTACT: Executive Director, Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221-6352.

Dated: April 19, 1979.

Winfred H. Meibohm,
Executive Director, National Marine Fisheries Service.
[FR Doc. 79-12706 Filed 4-23-79; 8:45 am]
BILLING CODE 3510-22-M

Pacific Fishery Management Council's Groundfish Sablefish Subpanel; Cancellation of Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: Notice is hereby given that the Pacific Fishery Management Council's Groundfish/Sablefish Subpanel Meeting scheduled on May 9-10, 1979, as published in the Federal Register, Vol. 44, No. 67, page 20488, Thursday, April 5, 1979, has been cancelled.

FOR FURTHER INFORMATION CONTACT: Executive Director, Pacific Fishery Management Council, 526 S. W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221-6352.

Dated: April 19, 1979.

Winfred H. Meibohm,
Executive Director, National Marine Fisheries Service.
[FR Doc. 79-12707 Filed 4-23-79; 8:45 am]
BILLING CODE 3510-22-M

Western Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Western Pacific Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet to discuss: (1) Draft regulations for the Precious Coral Management Plan; (2) review Spiny Lobster and Bottomfish fishery management plans (FMP's); (3) fourth draft of the Billfish FMP; and (4) other business.

DATES: The meeting will convene on Thursday, May 3, 1979, and Friday, May 4, 1979, at 9 a.m. adjourning both days at 5 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Senate Conference Room No. 6, State Capitol, Honolulu, Hawaii.

FOR FURTHER INFORMATION CONTACT: Executive Director, Western Pacific Fishery Management Council, Room 1608, 1164 Bishop Street, Honolulu, Hawaii 96813, Telephone: (808) 523-1368.

Dated: April 19, 1979.

Jack W. Gehringer,
Deputy Assistant Administrator for Fisheries.

[FR Doc. 79-12705 Filed 4-23-79; 8:25 am]

BILLING CODE 3510-22-M

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: a. Name Zoogesellschaft Osnabruck E.V., Herbert Sprado, President.

b. Address Am Waldzoo 2/3, 45 Osnabruck, West Germany (P216).

2. Type of Permit: Public Display.

3. Name and Number of Animals: California sea lions (*Zalophus californianus*), 4.

4. Type of Take: To capture and maintain permanently in a facility.

5. Location of Activity: Channel Islands, California.

6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such

arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the Federal Register the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before May 24, 1979. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 FR 11614, March 12, 1975). In this regard, the application:

(a) Was submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the Animal Health Department, West Germany, that Department being responsible, among other things, for ensuring the suitable care of animals in captivity;

(b) Includes: i. A verification from the Animal Health Department of the information set forth in the application;

ii. A certification that the Animal Health Department is prepared to monitor compliance with the terms and conditions of the permit; and

iii. A statement that the Animal Health Department will afford comity to a NMFS decision to amend, suspend, or revoke a permit.

In accordance with the above cited policy, the certification and statements of the Animal Health Department, West Germany, have been found appropriate and sufficient to allow consideration of this permit application.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries,
National Marine Fisheries Service, 3300

Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: April 13, 1979.

R. B. Brumsted,

Acting Director, Office of Marine Mammals/Endangered Species, National Marine Fisheries Service.

[FR Doc. 79-12548 Filed 4-23-79; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Trading in Maine Potato Futures Contracts; Public Hearing

DATE: Commencing at 8:30 a.m. on May 9 and, if necessary, May 10, 1979, in Wieden Auditorium, University of Maine, Presque Isle, Maine.

FOR FURTHER INFORMATION CONTACT: Dennis Avery, Special Assistant to Acting Chairman Gary L. Seevers, (202) 254-7532.

The Commodity Futures Trading Commission will hold a public hearing to receive oral presentations and written submissions concerning trading in Maine potato futures contracts on the New York Mercantile Exchange.

The Commission invites interested parties to submit written and oral views at the hearing and is particularly interested in receiving facts and comments that focus on:

Circumstances that existed on March 9, 1979, when the New York Mercantile Exchange determined that an emergency existed in the round white potato futures contracts;

The impact of the emergency order by the New York Mercantile Exchange on March 9, 1979, halting trading in round white potato futures contracts;

Whether modifications in the existing round white potato futures contract would make the contract better suited for producers and hedgers;

Whether special terms or provisions in the round white potato contract could assure improved commercial viability;

Impact of terminating futures trading in round white potatoes;

And such other comments as would be appropriate to the subject of the hearings.

Participants in the hearing may be accompanied by persons of their own choosing, who may advise or assist the speaker in responding to questions or otherwise assuring that full information is developed for the use of the Commission. During and subsequent to any person's oral presentation, questions may be asked either by members of the Commission or the Commission staff. The Commission

recognizes that members of the public may have questions; therefore, provision will be made for persons having questions to submit those questions in informal written form to a member of the Commission staff who may in his or her discretion ask such questions. In addition, interested persons will be permitted for 20 days after the last day of the oral hearing, to submit written comments on all matters presented at the hearings or any other topic, including written rebuttals to oral presentations.

All persons wishing to make an oral presentation are requested by May 2, 1979, to contact Ms. Jane Stuckey, Director, Office of Secretariat, Commodity Futures Trading Commission, 2033 "K" Street, N.W., Washington, D.C. 20581, (202-254-6126). Oral presentations will be limited to 15 minutes.

Issued in Washington, D.C., on April 19, 1979.

Gary L. Seevers,

Acting Chairman, Commodity Futures Trading Commission.
[FR Doc. 79-12709 Filed 4-23-79; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Intent to Prepare Environmental Impact Statement on Central and Southern Florida Flood Control Project

To prepare a draft Environmental Impact Statement for the Central and Southern Florida Flood Control Project, Kissimmee River and Taylor Creek-Nubbin Slough Basins, Florida.

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to prepare a draft Environmental Impact Statement (DEIS).

SUMMARY: 1. A study is underway on completed portions of the Central and Southern Florida Project including the Kissimmee River in Osceola, Polk, Highlands, and Okeechobee counties, Florida, and Taylor Creek-Nubbin Slough Basin, Okeechobee County, to determine whether modification of existing project works is advisable for the purposes of improving the quality of water entering the Kissimmee River and Taylor Creek-Nubbin Slough and Lake Okeechobee, flood control, recreation, navigation, and fish and wildlife resources, and for preventing or mitigating other current or foreseeable environmental problems and loss of environmental amenities.

2. Conceived alternatives range from making no modifications of present structures and procedures, to any one or

a combination or variation of the following alternatives.

a. Complete backfilling C-38 for the purpose of restoring the Kissimmee River to a meandering river system and floodplain.

b. Partial backfilling of the river and floodplain to an appearance and function simulating preproject conditions.

c. Plugging portions of C-38 to divert flow through remaining preproject channels, retention of the upper pool and structures for protection of developed areas, modification of remaining pools, levees, and structures.

d. Re-creation of marshlands in lieu of restoring the riverine system.

3. a. The process for determining the problems and needs to be addressed and for identifying the significant issues related to alternative measures ("scoping") is underway. Public workshop meetings have been held in the study area and planning meetings have been held with the South Florida Water Management District, the Kissimmee Coordinating Council, the Florida Game and Fresh Water Fish Commission, and the U.S. Fish and Wildlife Service. Additional meetings will be held as issues and alternatives are more clearly defined.

Announcements, brochures, and fact sheets have been distributed to parties known to be interested. Affected Federal, State and local agencies, affected Indian tribes, and other interested organizations and parties will continue to be encouraged to participate in the identification of issues, problems, and needs and the formulation of alternative courses of action by communicating with the addressee listed below.

b. Significant issues to be analyzed in depth in the DEIS include flood damage control needs, fish and wildlife habitat requisites, recreation demands, and water quality in Kissimmee River, Taylor Creek, Nubbin Slough, and Lake Okeechobee relative to land and water use patterns.

c. Consultation with the State Historic Officer and the U.S. Heritage Conservation and Recreation Service has been initiated in accordance with the National Historic Preservation Act of 1966 and Executive Order 11593. Planning has been coordinated with the U.S. Fish and Wildlife Service on an informal and formal basis, including the procedures required by the Fish and Wildlife Coordination Act of 1958 and the Endangered Species Act Amendments of 1973.

4. The plan of study will be formulated in a Reconnaissance Report

to be completed in the fall of 1979. Issues identified during the scoping process described in item 3a above will be addressed in the Reconnaissance Report.

5. The DEIS is to be available for review in late fiscal year 1982.

ADDRESS: Questions about the proposed action and DEIS can be answered by Mr. Moray Harrell, Chief of Environmental Quality Section, U.S. Army Engineer District, P.O. Box 4970, Jacksonville, Florida 32201, telephone (904) 791-3615.

Dated: April 13, 1979.

James W. R. Adams,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 79-12563 Filed 4-23-79; 8:45 am]

BILLING CODE 3710-AJ-M

Department of the Navy

Base Closures/Realignments and Navy Activities To Be Studied for Possible Conversion of Certain Functions to Private Contractors During Fiscal Year 1979

The Department of the Navy announces the results of the detailed studies of base realignment proposals at the remaining Navy and Marine Corps installations which were announced for study on April 26, 1978. This announcement concludes the detailed study process involving all but one of the realignment proposals. As part of the study process, all aspects of the proposals were thoroughly evaluated.

Those Navy Department actions which are being implemented will ultimately result in a reduction of approximately 850 civilian positions and an annual savings of approximately \$21 million.

The Navy will disestablish the Naval Air Reserve Detachments at Lakehurst, NJ; New York, NY; Niagara Falls, NY; Seattle, WA; and Miami, FL; and reduce to outpatient clinics the Naval Hospitals at Port Hueneme, CA; Annapolis, MD; Quantico, VA; and Key West, FL.

At Alameda and Oakland, CA; San Diego, CA; and Norfolk, VA, the aviation wholesale supply functions at the Naval Air Stations will be consolidated at the respective Naval Supply Centers.

The Computer Application Support and Development Office (CASDO), at Portsmouth, NH, will be merged with the Central Naval Ordnance Management Information Systems Office (CENO), Indian Head, MD.

At Long Beach, CA, the Navy will renew the homeporting of ships and

upgrade the Naval Support Activity to a Naval Station.

The Navy will continue to study the possible relocation of the Headquarters, Military Sealift Command from Washington, D.C.

The information developed during the study of Marine Corps Recruit Depots dictates that the status quo be maintained for the time being, with recruit depots remaining at San Diego, and Parris Island. The Department of Defense, however, will explore the possibility of obtaining special legislation which would allow the use of the proceeds of the sale of the high value real estate comprising the San Diego Recruit Depot to provide a replacement West Coast Recruit Training Facility at Camp Pendleton.

The Navy has determined that the remaining studies, including those of the Naval Air Station, Key West, the Naval Regional Medical Center, Philadelphia, and the possible relocation of either of the Naval Recruit Training Commands at San Diego, CA, and Great Lakes, IL, will be terminated and the status quo maintained.

In a related action, the Navy will disestablish Reconnaissance Attack Squadrons THREE and TWELVE (RVAH-3/RVAH-12) which are assigned at the Naval Air Station, Key West, FL.

In addition, the Navy will study for potential conversion from in-house to commercial contract operation 415 functions at 132 Navy and Marine Corps activities during the remainder of Fiscal Year 1979. Approximately 1,468 military and 5,916 civilian positions would be affected resulting in an estimated annual savings of \$9.6 million.

Comments pertaining to any of the decisions announced today may be submitted during the next thirty days for consideration to: Director, Installations and Facilities, Office of the Assistant Secretary of the Navy for Manpower, Reserve Affairs, and Logistics, Washington, D.C. 20360. Implementation of these decisions will not take place until after review of the comments received in order to ensure that no substantive information was overlooked during the decision-making process.

Under the Department of Defense Program for Stability of Civilian Employment, every effort will be made to assist displaced employees to obtain other acceptable employment.

All adversely affected career and career-conditional employees who desire placement assistance will be registered in a Defense-wide computerized Priority Placement Program. Registrants in this Program

will be afforded priority placement rights to vacancies arising throughout the Department for which they are qualified and available. This includes employees who are demoted and entitled to grade retention following a change of position or reclassification who will be given priority rights to other DOD commuting-area vacant positions in grades which are equal to their retained grades. Also, the help of other Federal Departments and Agencies will be solicited. Registrants in the Priority Placement Program will be made available for placement consideration in vacancies in these organizations. In most cases, 60-day advance notice of reduction-in-force and functional transfer will be given to employees rather than the minimum 30-day notice required by the Office of Personnel Management. Upon their request, employees will be carried in a leave status for such additional time as is necessary to provide a 90-day notice period prior to separation for reduction-in-force or for failure to accompany their function when it is moved outside the commuting area.

Defense officials have been working closely with the Office of Personnel Management to seek out and provide job opportunities to affected employees. Eligible career employees desiring placement assistance will be registered in the Office of Personnel Management's Displaced Employee Program for referral and consideration by other Federal Departments and Agencies.

Close liaison is being maintained with the Department of Labor, State Employment Offices, and private industry to help employees desiring placement assistance or retraining positions in the private sector.

The Economic Adjustment Committee is fully prepared to assist communities that may be seriously adversely affected by Department of Defense realignment studies or decisions. This committee of 18 Federal Executive agencies, chaired by the Secretary of Defense, is responsible for assuring that available Federal resources are coordinated and targeted in a manner that is responsive to the most important needs of communities that may be impacted by Defense changes.

Communities may request assistance at any time Defense realignment proposals have been announced that could seriously affect the local economy. The Committee will help local officials to develop contingency plans and to identify available Federal, state and local resources. With community cooperation, a feasible adjustment plan

can be prepared so that coordinated Federal assistance can be provided.

A State-by-State breakdown of the installations involved in this announcement follows:

California

1. Barstow—At the Marine Corps Logistics Base, Barstow, the Marine Corps will study the conversion from in-house to commercial contract operation of data processing services. This proposal would affect 10 civilian positions.

2. Concord—At the Naval Weapons Station, Concord, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 15 civilian positions.

3. Irvine—At the Marine Corps Air Station, El Toro, the Marine Corps will study the conversion from in-house to commercial contract operation of custodial, aircraft fueling, and data processing services. This proposal would affect 12 military and 17 civilian positions.

4. Lemoore—At the Naval Air Station, Lemoore, the Navy will study the conversion from in-house to commercial contract operation of food services. This proposal would affect 25 military and 29 civilian positions.

5. Long Beach—At the Long Beach Naval Shipyard, the Navy will study the conversion from in-house to commercial contract operation of building maintenance, keypunch operations, and motor vehicle maintenance. This proposal would affect 56 civilian positions.

6. Long Beach—At the Naval Supply Center, San Diego (Long Beach Annex), the Navy will study the conversion from in-house to commercial contract operation of bulk liquid storage. This proposal would affect 25 civilian positions.

7. Long Beach—At the Naval Support Activity, Los Angeles, as a result of the study announced on April 26, 1978, the navy has determined that the installation will be upgraded to a Naval Station, and the Navy will renew the homeporting of Pacific Fleet ships there. As a result, 92 military and 117 civilian positions will be added.

8. Monterey—At the Naval Postgraduate School, the Navy will study the conversion from in-house to commercial contract operation of guard services; insect and rodent control; maintenance of grounds, family housing, furniture and equipment, civil engineering support equipment; and fire protection. This proposal would affect 55 civilian positions.

9. Oakland—At the Naval Air Station, Alameda, as a result of the study announced on April 26, 1978, the Navy has determined that the wholesale aviation supply function will be transferred to the Naval Supply Center, Oakland. As a result of this consolidation, 406 civilian positions will be relocated to the Naval Supply Center, Oakland.

10. Oakland—At the Naval Air Rework Facility, Alameda, the Navy will study the conversion from in-house to commercial contract operation of custodial services and motor vehicle maintenance. This proposal would affect 49 civilian positions.

11. Oakland—At the Data Processing Service Center, Pacific, Alameda, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 25 civilian positions.

12. Oakland—At the Navy Regional Medical Center, Oakland, the Navy will study the conversion from in-house to commercial contract operation of laundry, dry cleaning, and custodial services. This proposal would affect 86 civilian positions.

13. Oakland—At the Naval Supply Center, Oakland, as a result of the study announced on April 26, 1978, the Navy has determined that the wholesale aviation supply function together with 406 civilian positions will be transferred from the Naval Air Station, Alameda. As a result of this consolidation, 256 civilian positions will be reduced by attrition over a period of several years.

In addition, the Navy will study the conversion from in-house to commercial contract operation of guard and data processing services which would affect 98 civilian positions.

14. Oceanside—At the Marine Corps Base, Camp Pendleton, the Marine Corps will study the conversion from in-house to commercial contract operation of buildings, structures and grounds maintenance, data processing services and food services. This proposal would affect 82 military and 59 civilian positions.

15. Palm Springs—At the Marine Corps Air Ground Combat Center, Twentynine Palms, the Marine Corps will study the conversion from in-house to commercial contract operation of data processing services. This proposal would affect 5 civilian positions.

16. Point Mugu—At the Pacific Missile Test Center, the Navy will study the conversion from in-house to commercial contract operation of motor vehicle operations and maintenance, guard services, grounds maintenance, and

keypunch operations. This proposal would affect 108 civilian positions.

17. Port Hueneme—At the Naval Construction Battalion Center, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations, motor vehicle maintenance, and photographic services. This proposal would affect 40 civilian positions.

18. Port Hueneme—At the Naval Hospital, the Navy has determined that the hospital will be disestablished and replaced with an out-patient clinic. As a result, 53 military and 35 civilian positions will be reduced.

19. Port Hueneme—At the Facilities Support Office, Port Hueneme, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 17 civilian positions.

20. Ridgecrest—At the Naval Weapons Center, China Lake, the Navy will study the conversion from in-house to commercial contract operation of motor vehicle maintenance, training and consultant services, photographic services, air transportation services, data processing services, and grounds and roads maintenance. This proposal would affect 2 military and 109 civilian positions.

21. San Diego—At the Fleet Accounting and Disbursing Center, Pacific, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 22 civilian positions.

22. San Diego—At the Fleet Anti-Submarine Warfare Training Center, Pacific, the Navy will study the conversion from in-house to commercial contract operation of custodial services. This proposal would affect 1 military and 5 civilian positions.

23. San Diego—At the Marine Corps Recruit Depot (MCRD), San Diego, the Marine Corps has determined that the study, announced on April 26, 1978, will be terminated and the status quo maintained. The Department of Defense will explore the possibility of obtaining special legislation which would permit the sale of the MCRD, San Diego real estate to obtain the funds to provide a replacement recruit training facility at Camp Pendleton.

In addition, the Marine Corps will study the conversion from in-house to commercial contract operation of data processing and food services. This proposal would affect 120 military and 6 civilian positions.

24. San Diego—At the Naval Air Rework Facility, the Navy will study the conversion from in-house to commercial

contract operation of keypunch operations. This proposal would affect 30 civilian positions.

25. San Diego—At the Naval Air Station, Miramar, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 8 civilian positions.

26. San Diego—At the Naval Air Station, North Island, as a result of the study announced on April 26, 1978, the Navy has determined that the wholesale aviation supply function will be transferred to the Naval Supply Center, San Diego. As a result of this consolidation, 310 civilian positions will be relocated to the Naval Supply Center, San Diego.

In addition, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 15 civilian positions.

27. San Diego—At the Naval Ocean Systems Center, the Navy will study the conversion from in-house to commercial contract operation of motor vehicle maintenance, photographic services, and data processing services. This proposal would affect 54 civilian positions.

28. San Diego—At the Public Works Center, San Diego, the Navy will study the conversion from in-house to commercial contract operation of insect and rodent control and data processing services. This proposal would affect 19 civilian positions.

29. San Diego—At the Navy Regional Data Automation Center Detachment, San Diego, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 5 civilian positions.

30. San Diego—At the Navy Regional Medical Center, San Diego, the Navy will study the conversion from in-house to commercial contract operation of laundry and dry cleaning services and keypunch operations. This proposal would affect 33 civilian positions.

31. San Diego—At the Naval Supply Center, San Diego, as a result of the study announced on April 26, 1978, the Navy has determined that the wholesale aviation supply function and 310 civilian positions will be transferred from the Naval Air Station, North Island. As a result of this consolidation, 222 civilian positions will be reduced by attrition over a period of several years.

In addition, the Navy will study the conversion from in-house to commercial contract operation of guard services and data processing services. This proposal would affect 1 military and 27 civilian positions.

32. San Diego—At the Naval Training Center, the Navy has determined that the study of the proposed realignment of the Navy Recruit Training Command, announced on April 26, 1978, will be terminated and the status quo maintained.

In addition, the Navy will study the conversion from in-house to commercial contract operation of guard services, printing and reproduction services, and fire protection. This proposal would affect 40 military and 39 civilian positions.

33. San Francisco—At the Public Works Center, San Francisco, the Navy will study the conversion from in-house to commercial contract operation of the operation and maintenance of railroads. This proposal would affect 2 civilian positions.

34. San Francisco—At the Western Division, Naval Facilities Engineering Command, San Bruno, the Navy will study the conversion from in-house to commercial contract operation of grounds maintenance. This proposal would affect 1 civilian position.

35. Seal Beach—At the Naval Weapons Station, Seal Beach, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 6 civilian positions.

36. Stockton—At the Naval Communication Station, Stockton, the Navy will study the conversion from in-house to commercial contract operation of security guard services. This proposal would affect 18 civilian positions.

37. Vallejo—At the Combat Systems Technical Schools Command, Mare Island, The Navy will study the conversion from in-house to commercial contract operation of grounds maintenance and custodial services. This proposal would affect 5 civilian positions.

38. Vallejo—At the Mare Island Naval Shipyard, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 26 civilian positions.

Colorado

39. Denver—At the Naval Air Reserve Detachment, the Navy has determined that the study, announced on April 26, 1978, will be terminated and the status quo maintained.

Connecticut

40. New London—At the Submarine Base, New London, the Navy will study the conversion from in-house to commercial contract operation of

keypunch operations. This proposal would affect 6 civilian positions.

District of Columbia

41. District of Columbia—At the Naval Personnel Program Support Activity, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 10 civilian positions.

42. District of Columbia—At the Naval Research Laboratory, the Navy will study the conversion from in-house to commercial contract operation of custodial services, guard services, and automated data processing services. This proposal would affect 122 civilian positions.

43. District of Columbia—At the Washington Navy Yard, the Navy has determined that the study of the Chesapeake Division, Navy Facilities Engineering Command, and the study of the Navy Recruiting Exhibit Center, announced on April 26, 1978, will be terminated and the status quo maintained at both activities.

Florida

44. Jacksonville—At the naval Air Station, Cecil Field, the Navy will study the conversion from in-house to commercial contract operation of motor vehicle operations, heating plants and systems, water, sewage and waste plants, and keypunch operations. This proposal would affect 72 civilian positions.

45. Jacksonville—At the Naval Air Rework Facility, Jacksonville, the Navy will study the conversion from in-house to commercial contract operation of data processing services. This proposal would affect 25 civilian positions.

46. Jacksonville—At the Naval Air Station, Jacksonville, the Navy will study the conversion from in-house to commercial contract operation of bulk liquid storage, grounds maintenance, and service station operations. This proposal would affect 1 military and 24 civilian positions.

47. Jacksonville—At the Naval Fuel Depot, Jacksonville, the Navy will study the conversion from in-house to commercial contract operation of guard services. This proposal would affect 6 civilian positions.

48. Jacksonville—At the Navy Regional Medical Center, Jacksonville, the Navy will study the conversion from in-house to commercial contract operation of food services and custodial services. This proposal would affect 31 military and 47 civilian positions.

49. Key West—At the Naval Air Station, Key West, the Navy has determined that the study announced on

April 26, 1978, will be terminated and the status quo maintained.

Additionally, the Navy has determined that Reconnaissance Attack Squadrons THREE and TWELVE (RVAH-3/RVAH-12) will be disestablished. As a result, 412 military positions will be relocated, and 3 civilian positions will be reduced.

Further, the Navy will study the conversion from in-house to commercial contract operation of motor vehicle operations and maintenance; maintenance of surface craft, roads, and office equipment; refuse collection; sewage and waste plant; printing and reproduction; and keypunch operations. This proposal would affect 3 military and 50 civilian positions.

50. Key West—At the Naval Hospital, the Navy has determined that the hospital will be disestablished and replace with an out-patient clinic. As a result, 38 military and 52 civilian positions will be reduced.

51. Mayport—At the Naval Station, Mayport, the Navy will study the conversion from in-house to commercial contract operation of air conditioning, motor vehicle and grounds maintenance, refuse collection, and bulk liquid storage. This proposal would affect 70 civilian positions.

52. Miami—At the Naval Air Reserve Detachment, as a result of the study announced on April 26, 1978, the Navy has determined that the installation will be disestablished. As a result, 91 Naval Reservists will be reassigned.

53. Milton—At the Naval Air Station, Whiting Field, the Navy will study the conversion from in-house to commercial contract operation of custodial services; refuse collection; aircraft training simulator operation and maintenance; ground electronics; messenger mail, fire protection and guard services; motor vehicle maintenance and operations; electrical, heating, water, sewage plants and systems; air conditioning and refrigeration; furniture repair; bulk liquid storage; telephone service; rail transportation; and building, grounds, and surfaced areas maintenance. This proposal would affect 126 military and 207 civilian positions.

54. Orlando—At the Naval Training Center, Orlando, the Navy will study the conversion from in-house to commercial contract operation of motor vehicle operations and maintenance; insect and rodent control; packing and crating; bus services; administrative telephone services; maintenance of civil engineering support equipment, grounds, air conditioning, family housing, furniture and equipment; painting of buildings; water and sewage treatment;

fire protection; and guard services. This proposal would affect 50 military and 126 civilian positions.

55. Panama City—At the Naval Coastal Systems Center, the Navy will study the conversion from in-house to commercial contract operation of motor vehicle maintenance, word processing center, and instrument calibration. This proposal would affect 13 civilian positions.

56. Pensacola—At the Naval Technical Training Center, Corry Station, the Air Force, in coordination with the Navy, will study the consolidation of cryptologic training activities from Goodfellow Air Force Base, TX. The number of military and civilian personnel positions and students which could be relocated will be determined upon completion of the study.

In addition, the Navy will study the conversion from in-house commercial contract operations of technical training equipment maintenance and overhaul, guard services, and grounds maintenance. This proposal would affect 22 military and 30 civilian positions.

57. Pensacola—At the Naval Aerospace Regional Medical Center, Pensacola, the Navy will study the conversion from in-house to commercial contract operation of laundry and dry cleaning services. This proposal would affect 12 civilian positions.

58. Pensacola—At the Naval Air Station, Pensacola, the Navy will study the conversion from in-house to commercial contract operation of aircraft training simulator operation and maintenance, ground electronics and communications maintenance, messenger mail, alcohol and drug abuse, fire protection, guard services, training devices maintenance, and service craft operations. This proposal would affect 159 military and 193 civilian positions.

59. Pensacola—At the Naval Education Training Program Development Center, the Navy will study the conversion from in-house to commercial contract operation of guard services and fire protection. This proposal would affect 7 military and 50 civilian positions.

60. Pensacola—At the Navy Regional Data Automation Center, Pensacola, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 20 civilian positions.

61. Pensacola—At the Public Works Center, Pensacola, the Navy will study the conversion from in-house to commercial contract operation of insect and rodent control. This proposal would affect 6 civilian positions.

Georgia

62. Albany—At the Marine Corps Logistics Base, Atlantic, the Marine Corps will study the conversion from in-house to commercial contract operation of maintenance of buildings and structures, data processing services, and grounds maintenance. This proposal would affect 17 civilian positions.

63. Athens—At the Naval Supply Corps School, the Navy will study the conversion from in-house to commercial contract operation of Bachelor Enlisted and Bachelor Officer Quarters management and maintenance of buildings, family housing, furniture and equipment. This proposal would affect 7 civilian positions.

64. St. Mary's—At the Naval Submarine Support Base, Kings Bay, the Navy will study the conversion from in-house to commercial contract operation the maintenance of facilities and supporting services. This proposal would affect 15 civilian positions.

Hawaii

65. Honolulu—At the Naval Air Station, Barbers Point, the Navy will study the conversion from in-house to commercial contract operations of keypunch operations. This proposal would affect 6 civilian positions.

66. Honolulu—At the Data Processing Service Center, Pacific, the Navy will study the conversion from in-house to commercial contract operations of keypunch operations. This proposal would affect 9 civilian positions.

67. Honolulu—At the Pearl Harbor Shipyard, the Navy will study the conversion from in-house to commercial contract operations of keypunch operations. This proposal would affect 16 civilian positions.

68. Honolulu—At the Public Works Center, Pearl Harbor, the Navy will study the conversion from in-house to commercial contract operations of insect and rodent control, furniture repair, and grounds maintenance. This proposal would affect 134 civilian positions.

69. Honolulu—At the Naval Supply Center, Pearl Harbor, the Navy will study the conversion from in-house to commercial contract operations of keypunch operations. This proposal would affect 10 civilian positions.

70. Honolulu—At the Naval Submarine Base, Pearl Harbor, the Navy will study the conversion from in-house to commercial contract operations of custodial services. This proposal would affect 3 civilian positions.

71. Kailua—At the Marine Corps Air Station, Kaneohe Bay, the Marine Corps will study the conversion from in-house

to commercial contract operations of custodial services; refuse collection and disposal; audiovisual services; aircraft fueling services; maintenance of motor vehicles, buildings, structures, grounds, and surfaced areas; and data processing services. This proposal would affect 50 military and 138 civilian positions.

Illinois

72. North Chicago—At the Naval Training Center, Great Lakes, the Navy has determined that the study of the Recruit Training Command, announced on April 26, 1978, will be terminated and the status quo maintained.

In addition, the Navy will study the conversion from in-house to commercial contract operation of packing and crating, food services, guard services, custodial services, cold storage operations, and fire protection. This proposal would affect 20 military and 80 civilian positions.

73. North Chicago—At the Navy Regional Finance Center, Great Lakes, the Navy will study the conversion from in-house to commercial contract operations of keypunch operations. This proposal would affect 19 civilian positions.

74. North Chicago—At the Navy Regional Medical Center, Great Lakes, the Navy will study the conversion from in-house to commercial contract operation of custodial services. This proposal would affect 36 military positions.

75. North Chicago—At the Public Works Center, Great Lakes, the Navy will study the conversion from in-house to commercial contract operation of insect and rodent control, furniture repair, and keypunch operations. This proposal would affect 11 civilian positions.

Indiana

76. Crane—At the Naval Weapons Support Center, Crane, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations; taxi and bus services; refuse collection; and guard, printing photographic, and word processing services. This proposal would affect 103 civilian positions.

77. Indianapolis—At the Naval Avionics Center, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 9 civilian positions.

Kansas

78. Olathe—At the Naval Air reserve detachment, the Navy has determined that the study, announced on April 26,

1978, will be terminated and the status quo maintained.

Kentucky

79. Louisville—At the Naval Ordnance Station, Louisville, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations and guard services. This proposal would affect 30 civilian positions.

Louisiana

80. New Orleans—At the Enlisted Personnel Management Center, New Orleans, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 20 civilian positions.

Maine

81. Brunswick—At the Naval Air Station, Brunswick, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations and Bachelor Enlisted Quarters custodial services. This proposal would affect 17 civilian positions.

82. Casco Bay—At the Navy Fuel Depot, Casco Bay, the Navy will study the conversion from in-house to commercial contract operation of guard services and bulk liquid storage. This proposal would affect 12 civilian positions.

Maryland

83. Annapolis—At the Naval Academy, the Navy has determined that the Naval Hospital will be disestablished and replaced with an outpatient clinic. As a result, 100 military and 43 civilian positions will be reduced.

In addition, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations and custodial services. This proposal would affect 18 civilian positions.

84. Annapolis—At the Naval Ship Research and Development Center, Annapolis, the Navy will study the conversion from in-house to commercial contract operation of grounds maintenance, bus services, painting, and motor vehicle operations. This proposal would affect 30 civilian positions.

85. Annapolis—At the Naval Station, Annapolis, the Navy will study the conversion from in-house to commercial contract operation of custodial services. This proposal would affect 5 civilian positions.

86. Bethesda—At the National Naval Medical Center, the Navy will study the

conversion from in-house to commercial contract operation of keypunch operations and laundry and dry cleaning services. This proposal would affect 34 civilian positions.

87. Chesapeake Beach—At the Naval Research Laboratory, Chesapeake Bay Division, the Navy will study the conversion from in-house to commercial contract operation of industrial ship services and data processing services. This proposal would affect 65 civilian positions.

88. Indian Head—At the Naval Ordnance Station, Indian Head, 41 civilian positions will be transferred from the Portsmouth Naval Shipyard, Portsmouth, NH, as a result of the merger of the Computer, Applications Support and Development Office (CASDO) with the Central Naval Ordnance Management Information Systems Office (CENO).

Additionally, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations and guard services. This proposal would affect 21 civilian positions.

89. Lexington Park—At the Naval Air Test Center, Patuxent River, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations, other services and utilities (messenger service), motor vehicle operation and maintenance, guard services, packing and crating, data processing design and programming, and maintenance of grounds and surfaced areas. This proposal would affect 3 military and 228 civilian positions.

90. Silver Spring—At the Naval Surface Weapons Center, White Oak, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 5 civilian positions.

Michigan

91. Mt. Clemens—At Selfridge Air National Guard Base, the Navy has determined that the study of the Naval Air Facility, Detroit, announced on April 26, 1978, will be terminated and the status quo maintained.

Mississippi

92. Gulfport—At the naval Construction Battalion Center, Gulfport, the Navy will study the conversion from in-house to commercial contract operation of motor vehicle maintenance and photographic services. This proposal would affect 15 civilian positions.

93. Meridian—At the Naval Air Station, Meridian, the Navy will study the conversion from in-house to commercial contract operation of custodial services, aircraft training simulators, ground electronics and communications maintenance, bus service, motor vehicle operation and maintenance, administrative telephone service, maintenance of grounds and surfaced areas, insect and rodent control, messenger mail, alcohol and drug abuse, fire protection, and guard services. This proposal would affect 97 military and 97 civilian positions.

Missouri

94. Kansas City—At the Marine Corps Automated Services Center, the Marine Corps will study the conversion from in-house to commercial contract operation of data processing services. This proposal would affect 2 civilian positions.

95. Kansas City—At the Marine Corps Finance Center, the Marine Corps will study the conversion from in-house to commercial contract operation of data processing services. This proposal would affect 8 civilian positions.

New Hampshire

96. Portsmouth—At the Portsmouth Naval Shipyard, as a result of the study announced on April 26, 1978, the Navy has determined that the Computer Applications Support and Development Office (CASDO) will merge with the Central Naval Ordnance Management Information Systems Office (CENO). As a result, 41 civilian positions will be relocated to the Naval Ordnance Station, Indian Head, MD.

In addition, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations and building maintenance. This proposal would affect 33 civilian positions.

New Jersey

97. Bayonne—At the Headquarters, Military Sealift Command, Atlantic, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 5 civilian positions.

98. Lakehurst—At the Naval Air Engineering Center, Lakehurst, as a result of the study announced on April 26, 1978, the Navy has determined that the Naval Air Reserve Detachment will be closed. As a result, 3 military and 18 civilian positions will be reduced and 425 Naval Reservists will be reassigned.

99. Trenton—At the Naval Propulsion Test Center, the Navy will study the conversion from in-house to commercial

contract operation of custodial services and guard services. This proposal would affect 21 civilian positions.

New York

100. New York—At Floyd Bennett Field, Brooklyn, NY, as a result of the study announced on April 26, 1978, the Navy has determined that the Naval Air Reserve Detachment will be disestablished. As a result, 3 military and 1 civilian positions will be reduced and 543 Naval Reservists will be reassigned.

101. Niagara Falls—At the Naval Air Reserve Detachment, as a result of the study announced on April 26, 1978, the Navy has determined that the installation will be closed. Military and civilian personnel have already been reassigned.

North Carolina

102. Havelock—At the Marine Corps Air Station, Cherry Point, the Marine Corps will study the conversion from in-house to commercial contract operation of buildings, structures and grounds maintenance, packing and crating, and data processing services. This proposal would affect 1 military and 58 civilian positions.

103. Havelock—At the Naval Air Rework Facility, Cherry Point, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 6 civilian positions.

104. Havelock—At the Naval Hospital, Cherry Point, the Navy will study the conversion from in-house to commercial contract operation of custodial services. This proposal would affect 3 civilian positions.

105. Jacksonville—At the Marine Corps Base, Camp Lejeune, the Marine Corps will study the conversion from in-house to commercial contract operation of custodial services, office equipment repair, data processing services, and buildings, structures, and grounds maintenance. This proposal would affect 193 civilian positions.

Ohio

106. Cleveland—At the Naval Finance Center, Cleveland, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 34 civilian positions.

Pennsylvania

107. Mechanicsburg—At the Fleet Material Support Office, the Navy has determined that the Headquarters, Financial Systems Division and 114

civilian positions will be relocated from Arlington, VA.

Also, a portion of the Property Accounting Department of the Navy Regional Finance Center, Washington, DC and 6 civilian positions will be transferred from Arlington, VA.

Additionally, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 4 civilian positions.

108. Mechanicsburg—At the Navy Ships Parts Control Center, the Navy has determined that a portion of the Property Accounting Department of the Navy Regional Finance Center, Washington, DC and 7 civilian positions will be transferred from Arlington, VA.

In addition, the Navy will study the conversion from in-house to commercial contract operation of custodial services, motor vehicle maintenance, guard services, data processing services, and grounds maintenance. This proposal would affect 146 civilian positions.

109. Philadelphia—At the Naval Aviation Supply Office, the Navy has determined that a portion of the Property Accounting Department of the Navy Regional Finance Center, Washington, DC and 9 civilian positions will be transferred from Arlington, VA.

In addition, the Navy will study the conversion from in-house to commercial contract operation of motor vehicle maintenance, guard services, and data processing services. This proposal would affect 83 civilian positions.

110. Philadelphia—At the Philadelphia Naval Shipyard, the Navy will study the conversion from in-house to commercial contract operation of motor vehicle maintenance, keypunch operations, and building maintenance. This proposal would affect 46 civilian positions.

111. Philadelphia—At the Naval Regional Medical Center, the Navy has determined that the study announced on April 26, 1978, will be terminated and the status quo maintained.

112. Warminster—At the Naval Air Development Center, the Navy will study the conversion from in-house to commercial contract operation of grounds maintenance. This proposal would affect 4 civilian positions.

Rhode Island

113. Newport—At the Naval Education and Training Center, the Navy will study the conversion from in-house to commercial contract operation of utilities, telephone services, guard services, refuse collection, insect and rodent control, fire protection, and printing and reproduction services. This

proposal would affect 37 military and 112 civilian positions.

114. Newport—At the Naval Underwater Systems Center, the Navy will study the conversion from in-house to commercial contract operation of technical information administrative services, motor vehicle operations, utility systems operation and maintenance, sewage and water plants operation and maintenance, air conditioning plants operation and maintenance, small craft operations, other services and utilities, other supply depot operations, public works support, buildings and waterfront facilities maintenance, guard services, firefighting, and keypunch operations. This proposal would affect 30 military and 186 civilian positions.

South Carolina

115. Beaufort—At the Marine Corps Air Station, Beaufort, the Marine Corps will study the conversion from in-house to commercial contract operation of data processing services, and buildings, structures, and grounds maintenance. This proposal would affect 34 civilian positions.

116. Beaufort—At the Marine Corps Recruit Depot, Parris Island, the Marine Corps has determined that the study of the Recruit Depot, announced on April 26, 1978, will be terminated and the status quo maintained.

Additionally, the Marine Corps will study the conversion from in-house to commercial contract operation of food service and data processing operations. This proposal would affect 195 military and 3 civilian positions.

117. Charleston—At the Charleston Naval Shipyard, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations, refuse collection, and motor vehicle operations. This proposal would affect 55 civilian positions.

118. Charleston—At the Naval Supply Center, Charleston, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 18 civilian positions.

119. Charleston—At the Naval Weapons Station, Charleston, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 4 civilian positions.

120. Charleston—At the Polaris Missile Facility, Charleston, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 7 civilian positions.

Tennessee

121. Millington—At the Management Information and Instructional Systems Activity Detachment, Memphis, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 8 civilian positions.

122. Millington—At the Naval Air Station, Memphis, the Navy will study the conversion from in-house to commercial contract operation of food services cleaning; refuse collection; guard services; fire protection; motor vehicle operation; electrical, heating, water and sewage plants and systems; cold storage warehousing; air conditioning and refrigeration; other utilities; bulk liquid storage; telephone service; and maintenance of the hospital, family housing, grounds and surfaced areas. This proposal would affect 46 military and 196 civilian positions.

123. Millington—At the Navy Regional Medical Center, Memphis, the Navy will study the conversion from in-house to commercial contract operations of food services. This proposal would affect 27 military and 6 civilian positions.

Texas

124. Beeville—At the Naval Air Station, Chase Field, the Navy will study the conversion from in-house to commercial contract operation of custodial services; aircraft training simulator operation and maintenance; ground electronics and communications maintenance; insect and rodent control; food services; guard services; messenger mail; alcohol and drug abuse; fire protection; and maintenance of buildings, grounds, surface areas, motor vehicles, and family housing. This proposal would affect 82 military and 151 civilian positions.

125. Kingsville—At the Naval Air Station, Kingsville, the Navy will study the conversion from in-house to commercial contract operation of refuse collection; packing and crating; insect and rodent control; aircraft training simulator operation and maintenance; guard services; fire protection; ground electronics; messenger mail services; and maintenance of motor vehicles, grounds and surfaced areas, and air conditioning. This proposal would affect 95 military and 86 civilian positions.

Virginia

126. Arlington—At Henderson Hall, the Marine Corps has determined that the Marine Corps Automated Services Center (Central Design and Programming Activity) will be relocated

to the Marine Corps Development and Education Command (MCD&EC) Quantico, VA. As a result, 84 military and 67 civilian positions will be relocated to Quantico and 18 military and 26 civilian positions will be retained at Henderson Hall.

In addition, the Marine Security Guard Battalion will be relocated to the MCD&EC Quantico. As a result, 80 military positions will be relocated to Quantico.

127. Arlington—At the Headquarters, Financial Systems Division, Navy Fleet Material Support Office, the Navy has determined that the activity will be relocated to Mechanicsburg, PA, to be collocated with its parent activity. This proposal would result in the reduction of 5 civilian positions and the relocation of 114 civilian positions.

128. Arlington—At the Headquarters, Navy Recruiting Command, the Navy has determined that the study, announced on April 26, 1978, will be terminated and the status quo maintained.

129. Arlington—At the Navy Regional Finance Center (NRFC), Washington, DC, the Navy has determined that the Property Accounting Department's functions will be transferred to: the Aviation Supply Office, Philadelphia, PA; the Ships Parts Control Center, Mechanicsburg, PA; and the Fleet Material Supply Office, Mechanicsburg, PA. In addition, the Freight Department's functions will be transferred to the Navy Material Transportation Office in Norfolk, VA. As a result of these actions, 1 civilian position will be reduced and 91 civilian positions will be relocated.

In addition, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 6 civilian positions.

130. Dahlgren—At the Naval Surface Weapons Center, Dahlgren, the Navy will study the conversion from in-house to commercial contract operation of motor vehicle maintenance. This proposal would affect 11 civilian positions.

131. Falls Church—At the Navy Audit Service Headquarters, the Navy has determined that the study, announced on April 26, 1978, will be terminated and the status quo maintained.

132. Fredericksburg—At the Marine Corps Development and Education Command (MCD&EC), Quantico, 84 military and 67 civilian positions will be transferred from Henderson Hall, Arlington, VA, as a result of the relocation of the Marine Corps Automated Services Center.

An additional 80 military positions will be relocated to MCD&EC, Quantico from Henderson Hall as a result of the relocation of the Marine Security Guard Battalion.

Furthermore, the Marine Corps will study the conversion from in-house to commercial contract operation of data processing services; refuse collection and disposal; and buildings, structures and grounds maintenance. This proposal would affect 5 military and 58 civilian positions.

133. Fredericksburg—At the Naval Hospital, Quantico, the Navy has determined that the hospital will be disestablished and replaced with an outpatient clinic. As a result, 59 military and 29 civilian positions will be reduced.

134. Newport News—At Cheatham Annex, Norfolk Naval Supply Center, the Navy will study the conversion from in-house to commercial contract operation of cold storage warehousing operations. This proposal would affect 42 civilian positions.

135. Newport News—At the Naval Weapons Station, Yorktown, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 9 civilian positions.

136. Norfolk—At the Data Processing Center, Norfolk, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 20 civilian positions.

137. Norfolk—At the Fleet Accounting and Disbursing Center, Norfolk, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 41 civilian positions.

138. Norfolk—At the Naval Air Station, Norfolk, as a result of the study announced on April 26, 1978, the Navy has determined that the wholesale aviation supply function, along with 313 civilian positions, will be transferred to the Naval Supply Center, Norfolk.

139. Norfolk—At the Naval Air Rework Facility, Norfolk, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 18 civilian positions.

140. Norfolk—At the Naval Amphibious Base, Little Creek, the Navy will study the conversion from in-house to commercial contract operation of refuse collection and bulk liquid storage. This proposal would affect 13 civilian positions.

141. Norfolk—At the Naval Supply Center, Norfolk, as a result of the study announced on April 26, 1978, the Navy

has determined that the wholesale aviation supply function together with 313 civilian positions will be transferred from the Naval Air Station, Norfolk. As a result of this consolidation, 285 civilian positions will be reduced by attrition over a period of several years.

Additionally, the Navy will study the conversion from in-house to commercial contract operation of guard services, data processing services, grounds maintenance, air terminal operations, and private vehicle processing facilities. This proposal would affect 239 civilian positions.

142. Norfolk—At the Navy Material Transportation Office, the Navy has determined that the Freight Department function of the Navy Regional Finance Center, Washington, DC and 69 civilian positions will be relocated from Arlington, VA.

143. Norfolk—At the Public Works Center, Norfolk, the Navy will study the conversion from in-house to commercial contract operation of electronics and communication equipment maintenance, custodial services, motor vehicle maintenance, roofing maintenance and repair, operation and maintenance of rail equipment, data processing services, grounds maintenance, refuse collection, and insect and rodent control. This proposal would affect 124 civilian positions.

144. Portsmouth—At the Naval Regional Medical Center, Portsmouth, the Navy will study the conversion from in-house to commercial contract operation of laundry and dry cleaning services. This proposal would affect 26 civilian positions.

145. Portsmouth—At the Norfolk Naval Shipyard, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations, refuse collection, and motor vehicle maintenance. This proposal would affect 74 civilian positions.

146. Reston—At the Defense Communications Engineering Center, the Navy will study the conversion from in-house to commercial contract operation of guard services. This proposal would affect 9 civilian positions.

147. Virginia Beach—At the Fleet Anti-Air Warfare Training Center, Dam Neck, the Navy has determined that the Naval Ocean Processing Facility will be established. As a result, 187 military and 8 civilian positions will be added.

148. Virginia Beach—At the Fleet Combat Training Center, Atlantic, Dam Neck, the Navy will study the conversion from in-house to commercial contract operation of bus services, custodial services, motor vehicle maintenance, guard service, refuse

collection, air conditioning and refrigeration, and fire protection. This proposal would affect 15 military and 34 civilian positions.

149. Virginia Beach—At the Naval Air Station, Oceana, the Navy will study the conversion from in-house to commercial contract operation of refuse collection, guard services, family housing maintenance, and keypunch operations. This proposal would affect 67 civilian positions.

Washington

150. Bremerton—At the Puget Sound Naval Shipyard, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations, refuse collection, and motor vehicle and building maintenance. This proposal would affect 89 civilian positions.

151. Bremerton—At the Naval Supply Center, Puget Sound, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations and guard services. This proposal would affect 13 civilian positions.

152. Oak Harbor—At the Naval Air Station, Whidbey Island, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations, refuse collection, bus services, office equipment maintenance, photographic services, and administrative telephone services. This proposal would affect 10 military and 36 civilian positions.

153. Oak Harbor—At the Naval Hospital, Whidbey Island, the Navy has determined that the study of the hospital, announced on April 26, 1978, will be terminated and the status quo maintained.

154. Seattle—At the Naval Air Reserve Detachment, as a result of the study announced on April 26, 1978, the Navy has determined that the installation will be closed. As a result, 23 military and 2 civilian positions will be relocated, and 243 Naval Reservists will be reassigned.

155. Silverdale—At the Strategic Weapons Facility, Bangor, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 8 civilian positions

Guam

156. Guam—At the Autodin Switching Center, the Navy will study the conversion from in-house to commercial contract operation of patch and test functions. This proposal would affect 13 civilian positions.

157.—At the Public Works Center, the Navy will study the conversion from in-house to commercial contract operation of maintenance repair (structures), bus services, rodent and insect control, grounds maintenance, motor vehicle operations, furniture repair, and design services. This proposal would affect 76 civilian positions.

Puerto Rico

158. Puerto Rico—At the Naval Communications Station, Puerto Rico, the Navy will study the conversion from in-house to commercial contract operation of the Radio Receiving Facility, Sabana Seca. This proposal would affect 24 military positions.

159. Puerto Rico—At the Naval Station, Roosevelt Roads, the Navy will study the conversion from in-house to commercial contract operation of keypunch operations. This proposal would affect 4 civilian positions.

Copies of the Department of the Navy fact sheet on public comment following a base realignment/closure decision are available for public inspection, Monday through Friday, from 8:30 a.m. to 4:00 p.m. during the next thirty days, at Room 406, Crystal Plaza No. 5, 2111 Jefferson Davis Highway, S., Arlington, Virginia 22202. The Department of the Navy will accept public comments on the announced actions during the next thirty days. All comments received during this period will be reviewed in order to ensure that no substantive factors which could have influenced the decisions have been overlooked. Written comments and requests for further information should be addressed to: Director of Installations and Facilities, Office of the Assistant Secretary of the Navy (Manpower, Reserve Affairs and Logistics), Washington, D.C. 20360. Telephone number (202) 692-7076.

Dated: April 13, 1979.

P. B. Walker,
Captain, JAGC, U.S. Navy Deputy Assistant Judge Advocate,
General (Administrative Law).

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DEPARTMENT OF ENERGY

Economic Regulatory Administration

Domestic Crude Oil Allocation Program; Entitlement Notice for February 1979

AGENCY: Department of Energy,
Economic Regulatory Administration.
ACTION: February 1979 Entitlement Notice.

SUMMARY: Under the Department of Energy's (DOE) domestic crude oil allocation (entitlements) program, this is the monthly entitlement notice which sets forth the entitlement purchase of sale requirements of domestic refiners for February 1979.

DATES: Payments for entitlements required to be purchased under this notice must be made by April 30, 1979. The monthly transaction report specified in § 211.66(i) shall be filed with the DOE by May 10, 1979.

FOR FURTHER INFORMATION CONTACT: Douglas McIver (Entitlements Program Office) Economic Regulatory Administration 2000 M Street, N.W. Room 6128I Washington, D.C. 20461 (202) 254-8660

Fred Wolgel (Office of General Counsel) Department of Energy Forrestal Building 1000 Independence Avenue, S.W. Room 6A-127 Washington, D.C. 20585 (202) 252-6754

SUPPLEMENTAL INFORMATION: In accordance with the provisions of 10 CFR 211.67 relating to the domestic crude oil allocation program of the Department of Energy (DOE), administered by the Economic Regulatory Administration (ERA), the monthly notice specified in § 211.67(i) is hereby published.

Based on reports for February 1979 submitted to the DOE by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports and imported naphtha utilized as a petrochemical feedstock in Puerto Rico; application of the entitlement adjustment for residual fuel oil production shipped in foreign flag tankers for sale in the East Coast market provided in § 211.67(d)(4); application of the entitlement adjustments for California lower tier and upper crude oil provided in § 211.67(a)(4); March 1979 deliveries of crude oil for storage in the Strategic Petroleum Reserve; and application of the entitlement adjustment for small refiners provided in § 211.67(e), the national domestic crude oil supply ratio for February 1979 is calculated to be .185119.

In accordance with § 211.67(b)(2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of February 1979, each barrel of old oil is equal to one barrel of deemed old oil and each barrel of upper tier crude oil is equal to .220216 of a barrel of deemed old oil.

The issuance of entitlements for the month February 1979 to refiners and other firms is set forth in the Appendix to this notice. The Appendix lists the

name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR 211.67(i)(4), the price at which entitlements shall be sold and purchased for the month of February 1979 is hereby fixed at \$9.03, which is the exact differential as reported for the month of February between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil, less the sum of 21 cents.

In accordance with 10 CFR 211.67(b), each refiner that has been issued fewer entitlements for the month of February 1979 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of February 1979 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of February 1979 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for that month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for reporting errors for the months September 1975 through January 1979 pursuant to 10 CFR 211.67(j)(1).

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by ERA pursuant to § 211.67(h).

The listing contained in the Appendix identifies in a separate column labeled "Exceptions and Appeals" additional entitlements issued to refiners pursuant to relief granted by the Office of Hearings and Appeals (prior to March 30, 1978, the Office of Administrative Review of the Economic Regulatory Administration). Also set forth in this column are adjustments for relief

granted by the Office of Hearings and Appeals for 1975 and 1976, which adjustments are reflected in monthly installments. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the issues involved, see *Beacon Oil Company, et al*, 4 FEA par. 87,024 (November 5, 1976).

The listing contained in the Appendix continues the "Consolidated Sales" entry initiated in the October 1977 entitlement notice. The "Consolidated Sales" entry is equal to the February 1979 entitlement purchase requirement of Arizona Fuels. The purpose of providing for the "Consolidated Sales" entry is to ensure that Arizona Fuels is not relieved of its February 1979 entitlement purchase requirement and that no one firm will be unable to sell its entitlements by reason of a default by Arizona Fuels. For a full discussion of the issues involved, see *Entitlement Notice for October 1977* (42 FR 64401, December 23, 1977).

For purposes of § 211.67(d)(6) and (7), which provide for entitlement issuances to refiners or other firms for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve, the number of barrels sold to the Government totaled 2,349,550 barrels.

For the month of February 1979, imports of residual fuel oil eligible for entitlements issuances totaled 31,508,737 barrels.

In accordance with § 211.67(a)(4), the number of barrels of California lower tier and upper tier crude oil as reported by refiners to the DOE, and the weighted average gravity thereof are as follows:

	Volumes	Weighted average gravity
California Lower Tier Crude Oil.....	8,307,478	16°
California Upper Tier Crude Oil.....	7,404,839	16°

The total number of entitlements required to be purchased and sold under this notice is 19,587,626.

Based on reports submitted to the DOE by refiners as to their adjusted crude oil receipts for February 1979, the pricing composition and weighted average costs thereof are as follows:

	Volumes	Weighted average cost	Percent of total volumes*
Lower Tier	77,045,056	\$6.25	18.0
Upper Tier	80,549,648	13.00	18.8
Exempt Domestic:			
Alaskan	34,669,026	13.51	8.1
Stripper	36,736,490	15.40	8.6
Naval Petroleum Reserve	3,249,795	14.15	.8
Total Domestic	234,601,565	11.22	54.6
Total Imported	194,817,537	15.90	45.4
Total Reported Crude Oil Receipts	429,419,102	13.42	100.0
Total Reported Crude Oil Runs to Stills	421,665,676		

*Numbers may not add due to rounding.

Payment for entitlements required to be purchased under 10 CFR 211.67(b) for February 1979 must be made by April 30, 1979.

On or prior to May 10, 1979, each firm which is required to purchase or sell entitlements for the month of February 1979 shall file with the DOE the monthly transaction report specified in 10 CFR 211.66(i) certifying its purchases and sales of entitlements for the month of February. The monthly transaction report forms for the month of February have been mailed to reporting firms. Firms that have been unable to locate other firms for required entitlement transactions by April 30, 1979 are requested to contact the ERA at 202-254-3336 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to April 30, 1979, the ERA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR 211.67(k).

This notice is issued pursuant to Subpart G, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with the Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before May 24, 1979.

Issued in Washington, D.C. on April 17, 1979.

David J. Bardin,

Administrator, Economic Regulatory Administration.

BILLING CODE 6450-01-M.

APPENDIX

NOTICE OF ENTITLEMENTS FOR DOMESTIC CRUDE OIL
FEBRUARY 1979

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REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED	***** EXCEPTIONS AND APPEALS	***** ENTITLEMENTS PRODUCT CALIFORNIA	***** ENTITLEMENTS REQUIRED TO BUY	***** REQUIRED TO SELL
-CONSOLID-SALES	-50,776	0	0	0	0	50,776*
A-JOHNSON	0	168,113	0	0	0	168,113
ALLIED	92,416	74,137	0	0	18,279	0
AMER-PETROFINA	775,290	721,505	0	0	53,785	0
AMERADA-HESS	1,062,379	3,449,498	0	0	0	1,987,119
AMOCO	7,975,425	4,491,800	0	0	0	0
ANCHOR	85,142	165,036	0	0	3,483,625	0
ARCO	3,277,912	3,804,145	0	49,310	0	79,894
ARIZONA	90,395	39,619	0	11,943	0	526,233
ASAMERA	76,090	144,452	0	1,554	0	0
ASHLAND	929,879	1,982,463	0	0	50,776	68,362
ASIATIC	0	253,654	0	0	0	1,052,584
BASIN	194,540	198,014	0	60,814	0	253,654
BAYOU	29,032	44,435	0	0	0	3,474
BEACON	174,189	131,930	0	21,571	0	15,403
BELCHER	0	107,982	-18,865	0	42,259	0
BI-PETRO	16,999	104,788	0	0	0	107,982
BRUIN	11,213	114,852	0	0	0	87,789
CALCASIEU	3,773	52,803	0	0	0	103,639
CALUMET	20,296	24,349	0	0	0	49,030
CANAL	55,573	68,594	0	0	0	4,053
CARBONIT	29,679	49,194	0	0	0	13,021
CARIBOU	60,962	65,916	0	0	0	19,515
CASTLE	0	20,637	0	10,962	4,016	0
CENTRAL	0	25,983	0	0	0	20,637
CHAMPLIN	1,330,555	1,189,496	0	197,298	0	25,983
CHARTER	279,965	301,826	0	0	141,059	0
CHEVRON	4,708,433	5,446,922	72,612	0	0	111,861
CIBRO	0	184,684	0	0	0	738,489
CITGO	2,193,096	1,358,990	0	0	834,106	0
CLAIBURNE	44,099	44,740	0	0	0	641
CLARK	204,520	500,591	0	0	0	386,071
COASTAL	324,620	976,144 **	0	0	0	651,424
COLONIAL	0	39,544	0	0	0	39,544

NOTICE OF ENTITLEMENTS FOR DOMESTIC CRUDE OIL

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REPORTING FIRM SHORT NAME	DEFERRED OLD OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED AND	***** EXCEPTIONS AND APPEALS	F N T I T L E M E N T P O S I T I O N ENTITLEMENTS PRODUCT CALIFORNIA	REQUIRED TO BUY	***** REQUIRED TO SELL
CONOCO	2,024,088	1,806,970	0	127,868	217,118	0
CONSUMERS-POWER	0	60,808	0	0	0	60,808
CORAL	0	99,950	0	0	0	99,950
CORCU	19,188	1,248,475	521,751***	8,584	0	1,229,287
CRA-FARMLAND	243,267	379,614	0	0	0	136,347
CROSS	40,039	85,910	0	0	0	45,861
CROWN	266,204	519,189	0	0	0	252,985
CRYSTAL-OIL	76,504	145,699	16,962	0	0	69,195
CRYSTAL-REF	0	35,504	0	0	0	35,504
DELTA	139,346	257,925	0	0	0	118,579
DEMENNO	11,820	114,320	0	9,379	0	102,509
DETROIT-ED	0	63,496	0	0	95,001	63,496
DIAMOND	425,547	330,546	0	0	0	182,873
DORCHESTER	3,480	186,353	0	0	0	51,668
DOW	42,030	93,698	0	0	0	25,246
E-SEARHARD	0	25,246	0	0	0	35,697
ECO	38,510	74,207	0	15,807	0	1,427
EDDY	33,458	34,885	0	0	0	453,315
ENERGY-COUP	12,248	465,563	0	0	0	104,231
ERGON	3,632	107,863	0	0	0	113,122
ERICKSON	598	113,720	0	0	0	0
EVANGELINE	27,537	27,269	0	0	268	0
EXXON	8,955,776	7,258,679**	0	425,625	1,697,097	0
EZ-SERVE	24,354	55,197	0	3,552	0	30,843
FARMERS-UN	130,126	274,298	0	0	0	144,172
FLETCHER	57,968	201,829	0	10,987	0	143,861
FLINT	6,680	8,882	0	0	0	2,202
FRIENDS-UNION	8,085	40,390	0	0	0	32,305
FUNDING	41,769	60,514	0	0	0	18,745
GARY	166,712	111,412	0	0	55,300	0
GETTY	1,027,713	921,664	0	0	106,049	0
GIANT	43,508	54,643	0	0	0	11,095
GLACIER-PARK	83,288	43,885	0	0	39,403	0
GLADIEUX	71,862	90,403	0	0	0	18,541

NOTICE OF ENTITLEMENTS FOR DOMESTIC CRUDE OIL

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REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED	***** EXCEPTIONS AND APPEALS	***** F N T I T L E M E N T ENTITLEMENTS PRODUCT CALIFORNIA	***** P O S I T I O N REQUIRED TO BUY	***** REQUIRED TO SELL
GOLDEN-EAGLE	0	132,648	0	0	0	132,648
GOLDKING	48,293	115,344	0	0	0	67,051
GOOD-HOPE	14,895	242,354	0	0	0	227,459
GUAM	0	247,971	0	0	0	247,971
GULF	6,453,165	4,480,608	0	35,361	1,972,557	0
GULF-STG	72,888	165,055	0	0	0	92,167
HIRI	0	378,145	0	0	0	378,145
HOWELL	129,021	230,940	0	0	0	101,919
HUDSON-OIL	13,913	115,949	0	0	0	102,036
HUNT	162,414	170,836	0	0	0	8,422
HUSKY	596,606	596,606	309,789	0	0	0
INDEPENDENT-REF	79,068	116,273	0	0	0	37,205
INDIANA-FARM	27,373	161,108	0	0	0	133,735
INDUST-FUEL	0	68,768	0	0	0	68,768
INTER-PETRO	0	25,836	0	25,836	0	25,836
IRVING	0	20,675	0	20,675	0	20,675
KENCU	20,826	43,361	0	0	0	22,535
KENTUCKY	14,691	13,655	0	0	1,036	0
KERN	301,690	166,383	0	0	135,307	0
KERR-MCGEE	899,309	716,927	0	0	182,472	0
KUCH	241,718	694,684	0	0	0	452,966
LAGLORIA	392,554	197,544	0	0	195,010	0
LAKESIDE	53,986	48,725	0	0	13,261	0
LAKETON	109,427	101,087	22,324	0	8,340	0
LEFWARD	0	47,336	0	47,336	0	47,336
LITTLE-AMEP	1,148,020	548,703	110,998	0	599,317	0
LOUISIANA-LAND	212,813	258,501	0	0	0	45,778
MACMILLAN	80,618	152,651	0	0	23,991	72,033
MARATHON	3,270,728	2,521,556	0	0	749,172	0
MARIUM	94,211	131,678	0	0	0	37,467
METROPOLITAN	0	218,068	0	218,068	0	218,068
MID-AMER	1,262	25,340	0	0	0	24,078
MORIL	5,555,385	4,654,364	0	0	901,021	0
MORILE-HAY	0	116,483	0	368,140	0	116,483

NOTICE OF ENTITLEMENTS FOR DOMESTIC CRUDE OIL

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REPORTING FIRM SHORT NAME	DEEMED UNADJUSTED RECEIPTS	***** TOTAL ISSUED	ENTITLEMENTS EXCEPTIONS AND APPEALS	***** PRODUCT CALIFORNIA	***** ENTITLEMENTS TO BUY	***** REQUIRED TO SELL
MOHAWK	354,973	244,794	0	45,529	110,179	0
MUNDOU	0	25,150	0	0	0	25,150
MONSANTO	183,569	258,410	0	0	0	74,841
MORRISON	17,223	8,456	0	0	8,767	0
MOUNTAINEER	7,211	6,560	0	0	651	0
MT-AJRY	38,921	108,777	0	0	0	69,856
MURPHY	643,587	564,890	0	0	78,697	0
N-AMER-PETRO	36,389	117,552	0	1,559	0	81,163
NATL-COOP	189,379	260,742	0	0	0	71,363
NAVAJO	302,428	254,921	13,942	0	47,507	0
NEVADA	16,526	34,763	0	0	0	14,237
NEW-HELCHER	0	86,669	0	0	0	86,669
NEW-EDGINGTON	474,420	577,368	140,858	156,732	0	32,548
NEW-ENGL-PETRO	0	5,337	0	0	0	5,337
NEW-ENGL-POWER	0	53,300	0	0	0	53,394
NEWHALL	184,235	196,535	0	51,144	0	12,300
NORTHEAST-PETRO	0	81,345	0	0	0	81,345
NORTHLAND	34,344	34,344	15,788	0	0	0
NORTHVILLE	0	36,652	0	0	0	36,652
OKC	142,525	162,850	0	0	0	60,325
OKLA-REF	62,864	132,702	0	0	0	69,842
OXHARD	13,639	41,116	0	13,153	0	28,177
PLERLESS	0	46,132	0	0	0	46,032
PEMEX	0	162,821**	0	0	0	162,821
PENNZOIL	589,938	320,183	0	0	0	95,635
PESTER	61,947	157,582	0	0	0	1,390
PETRO-HEAT-CT	0	1,390	0	0	0	0
PHILLIPS	1,748,361	1,534,119	0	-2,834	213,551	222,569
PHILLIPS-PR	0	222,569	0	0	0	7,043
PIONEER	38,195	45,238	0	0	0	0
PLACID	210,855	174,556	0	0	40,299	0
PLATANI	138,701	166,588	0	0	0	27,887
PORT	2,306	2,710	0	0	0	314
POWERING	61,132	199,004	0	17,610	0	137,962

NOTICE OF ENTITLEMENTS FOR DOMESTIC CRUDE OIL

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REPORTING FIRM SHORT NAME	DEEMED ULD OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED	***** EXCEPTIONS AND APPEALS	***** ENTITLEMENTS PRODUCT CALIFORNIA	***** POSITION REQUIRED TO BUY	***** REQUIRED TO SELL
PRIDE	111,623	195,749	0	0	0	83,426
PUBLICICKER	0	-19,065	0	-19,065	19,065	0
QUAD	136,833	194,627	0	0	32,206	0
QUAKER-ST	35,369	172,875	0	44,439	0	137,506
QUITMAN	15,781	72,580	0	0	0	56,799
RANCHO-REF	2,796	12,841	0	0	0	10,045
RAYMAL	9,571	23,374	0	0	0	13,803
RICHARDS	310	36,412	0	0	0	36,102
RICO	0	35,569	0	35,569	0	35,569
ROAD-OIL	0	545	0	0	0	545
ROCK-ISLAND	142,859	267,267	0	0	0	124,408
SABEP-TEX	16,148	190,822	0	0	0	183,674
SABRE-CAL	29,109	93,849	0	0	0	64,740
SAGE-CREFK	2,733	3,383	0	0	0	650
SAN-JOQUIN	239,365	265,628	21,435	0	0	26,263
SCANDIT	0	38,766	0	38,766	0	38,766
SCHULZE	498	614	0	0	0	116
SECTOR	42,919	37,728	0	0	5,191	0
SEMINOLE	6,493	74,131	0	0	0	67,638
SENTRY	14,134	427,457	393,654	0	0	413,323
SHELL	8,055,431	5,379,953	0	0	2,675,477	0
SHEPHERD	19,414	63,194	0	0	0	43,694
SIGMOR	12,911	9,572	0	0	0	77,661
SILVER-EAGLE	4,592	1,903	0	0	2,689	0
SLAPCO	52,820	87,941	0	0	0	34,221
SO-HAMPTON	43,584	137,847	0	0	0	94,263
SUHIU	1,190,638	2,213,026	0	0	0	1,013,388
SOMERSET	12,761	26,001	0	0	0	13,240
SOUND	17,169	93,349	0	0	0	76,180
SOUTHERN-UNION	151,327	212,658	0	0	0	61,331
SOUTHLAND	343,348	313,227	124,043	0	40,121	0
SOUTHWESTERN	2,989	8,363	0	0	0	3,374
SPRAGUE	0	65,565	0	65,565	0	65,565
STEUART	0	111,372	0	111,372	0	111,372

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NOTICE OF ENTITLEMENTS FOR DOMESTIC CRUDE OIL

REPORTING FIRM SHORT NAME	DEFERRED OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED	***** EXCEPTIONS AND APPEALS	***** ENTITLEMENTS PRODUCT, CALIFORNIA	***** REQUIRED TO BUY	***** REQUIRED TO SELL
SUNLAND	1,400	103,399	0	0	0	101,999
SUNOCO	3,638,806	2,419,598	10,367	3,197	0	0
SWANN	"	60,213	0	60,213	0	60,213
TRS	4,628	29,306	0	0	0	24,678
TENNECO	1,100,808	592,301	0	13,554	508,507	0
TESORO	135,400	398,596	0	34,548	0	263,102
TEXACO	7,448,744	5,320,711	0	263,583	2,128,033	0
TEXAS-AMERICAN	31,532	92,376	0	0	0	60,844
TEXAS-ASPH	28,907	17,444	0	0	11,423	0
TEXAS-CITY	501,906	611,938	0	0	0	109,992
THAGARD	175,376	166,188	15,307	0	0	0
THRIFTWAY	38,523	51,155	0	50,344	9,188	0
THUNDERHORN	66,758	92,316	0	0	0	12,632
TIPPERARY	28,357	54,675	0	0	0	25,558
TOKAWA	33,275	65,175	0	0	0	26,318
TUSCO	1,697,958	1,308,126	0	475,556	389,832	31,900
TOTAL-PETROLEUM	20,626	390,058	0	0	0	0
TRAMCO	0	68,950	0	68,950	0	180,432
UCC-CARIBE	0	125,163	0	125,163	0	68,950
UNI-REF	96,284	115,936	0	0	0	125,163
UNION-OIL	2,668,950	2,487,274	0	0	0	19,652
UNION-PETRO	0	86,669	0	86,669	181,676	0
UNION-REF	112,474	258,664	0	0	0	86,669
US-OIL	14,962	148,523	0	0	0	146,190
USA-PETROLEUM	53,679	134,888	0	3,869	0	133,561
VAL-VERDE	489	1,637	0	15,803	0	81,209
VICKLRS	174,195	363,535	0	0	0	1,148
VICKSRURG	3,736	55,593	0	0	0	189,340
WALLER	0	18,512	0	18,512	0	46,857
WARRIOR	36,005	45,351	7,378	0	0	18,512
WEST-COAST	87,098	152,828	0	0	0	8,946
WESTERN	98,784	117,067	0	44,450	0	65,730
WINSTON	69,979	153,912	0	6,261	0	18,283
WIREHACK	0	675	0	0	0	83,933

REPORTING FIRM SHORT NAME	DEEMED U.S. OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED	***** EXCEPTIONS AND APPEALS	***** ENTITLEMENTS PRODUCT	***** ENTITLEMENTS CALIFORNIA	***** T I O N REQUIRED TO BUY	***** REQUIRED- TO SELL	PAGE: 15
WITCO	82,788	16,126	0	0	25,814	0	77,238	
WYATT		23,366	0	23,366	0	0	23,366	
WYOMING	47,297	96,569	0	0	0	0	49,272	
YETTER		786	0	0	0	0	786	
YOUNG	19,003	56,947	19,950	0	0	0	37,944	
TOTAL	92,973,941	92,973,941	1,708,293	3,408,964	2,856,790	19,587,626	19,587,626	

* See discussion in Notice

** Includes entitlements issued for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve

*** Authorization to sell these entitlements is subject to conditions set forth in a DOE Decision and Order issued to Commonwealth Oil and Refining Company on March 20, 1978

**** This is consistent with the court's order prohibiting any further entitlement purchase requirements by this firm pursuant to the terms of the court's Judgment in Husky Oil Co. v DOE, et al, Civ Action No C77-190-B (D Wyo, filed March 14, 1978), remanded F 2d (No. 10-18 TECA, August 10, 1978)

**** This does not include the purchase obligation stayed by court order in Texas Asphalt & Refinery Co v FEA Civ Action No. 4-75-268 (N D Tex, filed October 31, 1975)

Federal Energy Regulatory Commission

Curtailment (Impact); Natural Gas Shortages

April 16, 1979.

Alabama-Tennessee Natural Gas Company, Docket No. TC79-94; Algonquin Gas Transmission Company, Docket No. TC79-95; Arkansas-Louisiana Gas Company, Docket No. TC79-96; Cities Service Gas Company, Docket No. TC79-97; Colorado Interstate Gas Company, Docket No. TC79-98; Columbia Gas Transmission Corporation, Docket No. TC79-99; Consolidated Gas Supply Corporation, Docket No. TC79-100; East Tennessee Natural Gas Company, Docket No. TC79-101; Eastern Shore Natural Gas Company, Docket No. TC79-102; El Paso Natural Gas Company, Docket No. TC79-103; Equitable Gas Company, Docket No. TC79-104; Florida Gas Transmission Company, Docket No. TC79-105; Michigan-Wisconsin Pipe Line Company, Docket No. TC79-106; Midwestern Gas Transmission Company, Docket No. TC79-107; Mississippi River Transmission Company, Docket No. TC79-108; Natural Fuel Gas Supply Corporation, Docket No. TC79-109; Natural Gas Pipeline Company of America, Docket No. TC79-110; Northern Natural Gas Company, Docket No. TC79-111; Northwest Pipeline Corporation, Docket No. TC79-112; Panhandle Eastern Pipe Line Company, Docket No. TC79-113; Southern Natural Gas Company, Docket No. TC79-114; Tennessee Gas Pipeline Company, Docket No. TC79-115; Tennessee Natural Gas Lines, Inc., Docket No. TC79-116; Texas Eastern Transmission Corporation, Docket No. TC79-117; Texas Gas Transmission Corporation, Docket No. TC79-118; Transcontinental Gas Pipe Line Corporation, Docket No. TC79-119; Transwestern Pipeline Company, Docket No. TC79-120; Trunkline Gas Company, Docket No. TC79-121; United Gas Pipe Line Company, Docket No. TC79-122; Order instituting proceedings, establishing procedures and providing for hearings to evaluate the impact of natural gas shortages of interstate pipeline companies.

The purpose of this order is to initiate proceedings to accumulate factual information which will provide the Commission, the natural gas industry and the general public with an overview of the projected impact of curtailment by natural gas pipelines during the 1979-80 winter season. Data will be required in

th form of testimony and exhibits from the pipelines listed in the above-styled proceedings relating to anticipated gas supply, storage operation and inventory, emergency purchases, requirements, levels of curtailment and impact of curtailment on ultimate consumers. These proceedings will be similar to the impact hearings held prior to past winter seasons by this Commission and the Federal Power Commission.¹ The hearings are necessary to insure that the Commission receives the best information available on gas supplies and potential adverse curtailment impacts prior to the 1979-80 winter season in order to be able to exercise its mandate under the Natural Gas Act and the Natural Gas Policy Act of 1978 to insure adequate natural gas service.

This order will additionally serve as a vehicle to obtain information which will allow the Commission to fulfill its obligation to report to Congress on June 1, 1979, as required by Section 303 of the NGPA, regarding the need for additional authority, if any, to allocate supplies of gas which are likely to be necessary to meet high priority uses. For this particular purpose, high priority requirements are defined as (i) in a residence, or (ii) in a commercial establishment in amounts of less than 50 MCF on a peak day; or (iii) in any school or hospital; or (iv) for minimum plant protection when operations are shut down, for police protection, for fire protection, in a sanitation facility, in a correctional facility, or for emergency situations pursuant to 18 CFR 2.78(a)(4). To this end, specific data is being requested which will enable the Commission to make an informed judgment concerning the pipelines' ability to meet high priority requirements under severe weather conditions. This additional data is requested to be filed by May 7, 1979. The data to determine the impact of curtailment during the five month winter period of 1979-80 should be filed at a later date as set forth herein.

A. The data to be filed by May 7, 1979, is as follows:

(1) Provide the requirements of high-priority users as defined above for the period February 15 through March 15, 1980 on the basis that weather conditions are 20 percent colder than normal. If a pipeline has experienced temperatures greater than 20 percent colder than normal, the most severe weather conditions should be utilized to calculate requirements.

¹ See Commission orders in *Alabama-Tennessee Natural Gas Company* in Docket Nos. RP78-116 issued on July 20, 1978, RP77-65 issued on May 11, 1977, and TC78-5 issued on May 31, 1978.

(2) Provide data showing the pipelines ability to meet its requirements in (1) from projected normal gas supplies. Normal gas supplies should include flowing supplies plus the storage or peak shaving capability that would be available if these facilities were operated as designed during the earlier part of the winter. If the pipeline has gas supplies greater than the volumes required to meet its high-priority users requirements such excess gas should be shown.

B. The Commission will require that each respondent pipeline named in this order present written testimony through a responsible company official relative to its FERC Form No. 16 filed in April 1979, and other matters noted herein. This testimony should contain a detailed description of the Form No. 16 filing and should specifically provide the following information:

(1) Total gas supply projections with (a) a detailed breakdown of deliveries from the major sources of supply that are projected to decrease from the actual level of last year on a monthly basis for the period between April 1, 1979, through March 31, 1980, and of the deliveries from the major sources of supply that are projected to increase from the actual level of last year; (b) all pertinent facts and assumptions with respect to an anticipated new supply by month (April 1, 1979, through March 31, 1980) including reasons for stated date of attachment; (c) projected emergency purchases or transportation of emergency supplies by month for the latter period. Indicate pipeline company policy of making such purchases, i.e., for system supply or direct assignment, to specific customers; (d) status of ongoing storage injections; (e) projected, total, working gas inventory anticipated in storage at beginning of heating season (November 1, 1979), and maximum working gas capacity; (f) method of making supply projections and any contingency factors in such projections;

(2) Scheduled storage withdrawals (a) during the months of November, 1979, through March, 1980, (i) under normal weather conditions, (ii) under uniform temperature conditions of 10 percent colder than normal for each month November 1979 through March 1980, and (iii) under a hypothetical winter with temperature conditions, of 10 percent colder than normal during November 1979, and March 1980, and 20 percent colder than normal for December 1979, and January and February 1980.² broken

² The colder than normal basis should be computed on the assumption of an increase in average monthly degree day deficiency of the suggested percent in excess of the historical norm

Footnotes continued on next page

down by pipeline system withdrawals and customer withdrawals when necessary, and (b) provide appropriate systemwide anticipated storage withdrawal curves vs. temperature, and a description of the pipelines' storage operation plan governing storage gas withdrawal and injections, (c) provide a detailed description for each month (November-March) of scheduled storage operations including a description of how early winter withdrawals affect later deliverability from storage; and a description of pipelines' contingency plans for meeting colder-than-normal winter weather later in the season: (i) Describe how additional curtailment of sales is used each month to control storage withdrawals or plans to make 60-day emergency purchases.

(3)(a) The derivation of requirements used in FERC Form No. 16 and a full explanation of any change in requirements from the 1978 Form 16; (b) a statement of requirements for each month of the 1979-80 winter heating season (November 1979 through March 1980) assuming colder than normal temperatures as specified in (2)(a) (ii) and (iii) above.³

(4) An explanation of the computation of curtailments and a study showing for each month of the 1979-80 winter heating season assuming normal weather and assuming colder than normal temperatures as specified in (2)(a) (ii) and (iii) above: (a) the systemwide aggregate curtailment; (b) systemwide curtailment as a percentage of priority of service and (c) systemwide curtailment as a percentage of total requirements.

(5) A discussion of problem situations which occurred during the 1978-79

winter and a description of what steps have been taken to avoid such problems in the coming winter season. Also compare such winter with possible occurrences during the type of winter as specified in (2)(a) (ii) and (iii) above.

The Commission will further require that the captioned pipelines made parties to the above-styled proceedings distribute copies of this order to their distribution company customers and indirect industrial customers.⁴ Concurrently therewith, the pipelines are to request that these customers provide to them a list of their customers that may be forced to shut down this coming winter because they lack either a supply of alternate fuel or alternate fuel equipment to off-set projected natural gas curtailments on a normal and "colder than normal winter period" as specified in (2)(a) (ii) and (iii) above. The following data shall be supplied where industrial shut down is anticipated:

(1) The amount of additional gas supply needed for each distributor or direct industrial customer to avoid plant shut-down during each month of the 1979-80 winter period, including appropriate supporting data from distributors based on the needs of each commercial or industrial consumer that may be forced to shut down due to curtailment this winter. Indicate the approximate number of days of shut-down for each consumer on the basis of colder than normal weather as described above.

(2) For each distributor and consumer faced with the prospect of plant shut-down, list all self-help measures which have been undertaken to date, and other self-help measures which are planned to avoid shut-down, including actions by state authorities.

(3) List for each pipeline and distributor with projected shut-down problems, all existing and proposed contingency plans to mitigate effects of plant shut-down next winter.

The distribution customers that must be called upon to provide the information requested herein should file this data with their respective jurisdictional pipeline suppliers on or before June 16, 1979. The Commission will require that the pipelines file their reports, predicated upon this information and testimony related thereto with the Commission by July 16, 1979. The reports submitted by the respondent pipelines are to both analyze and collate the data referred to and should be more than a mere

⁴Respondent pipelines that are the customers of other pipelines named as respondents herein need file this data only in their own docket if one exists.

accumulation of the mass data collected. If the filings by the pipelines are fashioned as requested, the task of assessing and providing an appropriate overview of the curtailment impact this coming winter by the Commission will be expedited. Due to the added responsibility of implementing the NGRA and the time constraints resulting therefrom, it is requested that the subject pipeline companies file the data requested in the body of this order under Part B a format similar to that utilized in the Commission's report issued September 18, 1978 in Docket Nos. TC78-5, et al. and that each filing be accompanied with a summary like that in the Commission's report. In the event that a distributor fails to provide the requested information, the Commission may be required to conclude that commercial and industrial customers served by such distributor will not have fuel deficiency problems that may force them to shut down during the impending winter months. The respondent pipelines to these proceedings shall provide the corresponding information requested from the distributors for their own direct industrial customers.

In the event that hearings are convened with respect to particular pipelines, it is the purpose of the Commission to assure that the reports and other data presented at the hearing be properly incorporated into the formal hearing record. This will facilitate the task of the Commission staff who in turn will be charged with the task of making and tendering its own report predicated upon the data obtained subsequent to the conclusion of the last hearing that may be conducted in these proceedings. No useful purpose will be served by requiring that strict evidentiary and procedural rules be followed that might tend to either delay the proceedings or preclude the introduction of the data called for herein by the Commission into the hearing record. It would also not serve the purposes of the Commission to permit any hearing that may be conducted in conjunction with these proceedings to linger needlessly, or encompass issues contained within ongoing curtailment dockets.

The Commission recognizes that the possibility of convening of hearings within a short time period is an undertaking which may cause staff and other parties scheduling difficulties. We shall therefore provide that any hearings that are to be conducted with respect to the respondent pipelines are to be held during July and early August, 1979, and we shall direct that any hearings required to be held with respect to these

Footnotes continued from last page as computed by the Department of Commerce. While the extreme conditions of a 20 percent colder than normal winter may not occur during the coming winter season, it is important that we develop a contingency plan in the event it might happen; such conditions were encountered during the months of December, January and February of the past three years.

³We recognize that the proposed permanent curtailment rule in Docket No. RM79-15 may result in substantial alteration of curtailment priorities as of November 1, 1979. To the extent that a pipeline can identify high priority users covered by the Economic Regulatory Administration rule (at 10 CFR 580.01-.04) and essential agricultural users covered by the Department of Agriculture rule (44 FR 11518, March 1, 1979), the pipeline should attempt to estimate the impact upon its system of moving such users into priorities 1 and 2 for the 1979-80 winter season. While the actual requirements will be dependent on the outcome of the permanent rule, any estimate the pipeline can make now will significantly aid the Commission in its analysis. It is anticipated that by the time of the October, 1979 Form 16 filing, the final permanent rule in Docket No. RM79-15 should have issued, making possible an estimated adjustment reflecting the final rule.

proceedings be scheduled by the Chief Administrative Law Judge during those months. In order to provide that scheduling flexibility to be assured with a minimization of effort we shall provide that the Secretary may by notice reschedule any proceeding set for hearing in the event that any difficulties with data or pipeline reports submitted can be eliminated between the submission date and hearing date.

Since the focus of these hearings is directed toward the accumulation of data which is wholly factual in nature, we shall forego the filing of briefs. Instead we shall call upon staff and the other parties to file with the Commission by September 17, 1979, summary memoranda in which the data presented in these proceedings is analyzed and in which any party may be free to tender any comments that he feels are warranted in light of the facts and data developed in such hearing.

In light of the fact that there may exist certain common elements of interest between the above-styled proceedings and the curtailment proceedings that are currently in various stages of determination relative to the aforementioned pipelines, we shall hereby permit any party permitted to intervene in such proceedings the right to intervene and to have all the rights of a party in the corresponding pipeline proceeding instituted herein.⁴ Any other persons may petition to intervene in dockets instituted herein.

The Economic Regulatory Administration (ERA) and the Energy Information Administration (EIA)⁵ are invited to fully participate in these proceedings and to provide for the record herein state and regional information relative to alternate fuel availability for the upcoming winter-heating season. State energy agencies and state public service commissions are also invited to participate and to provide information relating: (1) The lack of alternate fuel capabilities of end-users in areas subject to their jurisdiction; (2) local conservation measures that are either directed or coordinated by them to off-set the impact of the natural gas shortage; and (3) problem situations of which they are aware. All others, including interested federal and state agencies are also invited to participate in these proceedings.

The Commission finds: (1) It may be in the public interest and consistent with the purposes of the Natural Gas Act and Natural Gas Policy Act of 1978 to schedule hearings in certain of the proceedings hereinabove named, for the purpose of determining the impact of projected curtailments of natural gas deliveries over the 1979-80 winter heating season.

(2) It is in the public interest to allow all persons permitted to intervene in the corresponding pipeline curtailment proceedings set forth in the text of this order permission to intervene in the corresponding proceeding instituted by this order.

The Commission orders: (A) Pursuant to the authority conferred upon the Commission under the Natural Gas Act, particularly Sections 4, 5, 7, 14 and 15 hearings shall be scheduled as provided in ordering paragraph (B) hereof in the above-styled proceedings in order to determine the impact of projected curtailment for the 1978-1979 winter heating season.

(B) The hearings provided for in ordering paragraph (A) shall be convened at such times and places as provided for in Notices to be issued by the Secretary after receipt of a recommendation made by the General

Counsel and the Director of the Office of Pipeline and Producer Regulation after consultation on this matter with the Chief Administrative Law Judge. The Commission contemplates that in a number of instances, formal hearings may not be necessary and the Secretary shall be so advised by the General Counsel after consultation with OPR, and in such event, no hearing will be convened by the Secretary. In formulating the hearing schedule to be recommended by the General Counsel and the Director of the Office of Pipeline and Producer Regulation, manpower resources and work schedule demands of the Office of Administrative Law Judges will be given full consideration.

(C) An Administrative Law Judge to be designated by the Chief Administrative Law Judge shall preside over each hearing that will be scheduled in the above-styled proceedings noted above in Ordering Paragraphs (A) and (B) and shall prescribe relevant procedural matters not herein provided for and assure the development of an adequate record with the incorporation therein of the information sought and requested by the Commission in the text of this order.

(D) Each of the respondent pipelines designated in this order shall provide on a best efforts basis the information called for in the body of this order in Part A no later than May 7, 1979. The data shall be submitted under oath and signed by a responsible official of the pipeline company.

(E) By July 6, 1979, each of the designated respondent pipelines shall provide on a best efforts basis the information requested in Part B of this order, beginning on page three. All parties to the instant proceedings are hereby requested and all customers of the respective pipeline companies are hereby urged to provide their pipeline suppliers with the necessary information by June 30, 1979, to enable the pipelines to comply with this order. Copies of the aforementioned data shall be served upon the appropriate state regulatory bodies.

(F) An analysis in memorandum form of the information obtained in these proceedings shall be presented to the Commission by the Commission staff and other interested parties desiring to submit such memorandum or comments to the Commission by September 18, 1979.

(G) All parties previously granted intervention in the curtailment proceedings set forth in the text of this order are permitted to intervene in and participate in the corresponding pipeline proceeding that has been instituted by

⁴The curtailment proceedings relating to the twenty-nine pipelines named in the caption of this order are as follows: Alabama-Tennessee Natural Gas Company, Docket No. RP74-42; Arkansas-Louisiana Gas Company, Docket No. RP71-122; Cities Service Gas Company, Docket No. RP75-62; Columbia Gas Transmission Corporation, Docket No. RP72-89; East Tennessee Natural Gas Company, Docket No. RP75-28; Eastern Shore Natural Gas Company, Docket Nos. RP71-121, and RP72-21; El Paso Natural Gas Company, Docket No. RP72-6; Northwest Pipeline Corporation, Docket No. RP74-49; Panhandle Eastern Pipe Line Company, Docket No. RP71-119; Tennessee Natural Gas Lines, Inc., Docket No. RP74-54; Texas Eastern Transmission Corporation, Docket Nos. RP71-130, RP72-58, Texas Gas Transmission Corporation, Docket No. RP72-64; Transcontinental Gas Pipe Line Corporation, Docket No. RP72-99; Transwestern Pipeline Company, Docket No. RP73-101; Trunkline Gas Company, Docket No. RP71-100; United Gas Pipe Line Company, Docket Nos. RP71-29, RP-120; Algonquin Gas Transmission Co., Docket Nos. RP71-131, *et al.*; Equitable Gas Co., (None assigned); Colorado Interstate Gas Co., Docket No. RP72-122; Consolidated Gas Supply Corp., Docket No. RP77-29; Florida Gas Transmission Co., Docket Nos. RP71-128, RP75-79; Michigan Wisconsin Pipe Line Co., Docket No. RP76-50; Midwestern Gas Transmission, Docket Nos. RP74-29, RP74-69; Mississippi River Commission Corp., Docket No. RP73-6; National Fuel Gas Supply Corp., Docket No. RP74-100; Natural Gas Pipeline Co. of America, Docket No. RP70-42; Northern Natural Gas Co., Docket Nos. RP74-102, and RP76-52; Southern Natural Gas Co., Docket Nos. 72-74, and RP74-6; Tennessee Gas Pipeline Co., Docket No. RP74-24.

⁵Economic Regulatory Administration and Energy Information Administration of the Department of Energy [The Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 (August 4, 1977)]. Even though the convening of these proceedings is for the purpose of providing a vehicle to enable the Commission to acquire the data it needs to fulfill its obligations under the Natural Gas Act to assure adequate gas service, it will also utilize data not called for herein, available from components of the DOE, thereby avoiding any duplication of efforts in collecting information required to analyze adverse curtailment impact projected for the forthcoming winter.

this order subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in their petitions to intervene in the aforementioned curtailment proceedings and *Provided, further,* That the admission of such intervenors shall not be construed by the Commission that subject intervenors might be aggrieved because of any order or orders issued by the Commission in these proceedings.

By the Commission.

Lois D. Cashell,
Acting Secretary

[Docket Nos. TC79-94—TC79-122]
[FR Doc. 79-12581 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

Appalachian Power Co.; Filing

April 18, 1979.

The filing Company submits the following: Take notice that Appalachian Power Company (APCo), on April 13, 1979, tendered for filing a power sales agreement executed with the City of Radford, Virginia dated March 5, 1979. This agreement is intended to replace the existing service agreement between APCo and the City of Radford, designated by the Commission as Appalachian Power Company FERC Rate Schedule No. 50, that is due to expire on April 30, 1979. The new agreement provides for an increase in contract capacity and for the construction of a second delivery point which is expected to be placed in service by October 1980.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 8, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary

[Docket No. ER79-300]
[FR Doc. 79-12582 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

Appalachian Power Co.; Filing

April 18, 1979.

The filing Company submits the following: Take notice that Appalachian Power Company (APCo), on April 13, 1979, tendered for filing a power sales agreement executed with Union Power Company, Mullens, West Virginia dated February 26, 1979. This agreement provides for APCo to furnish service to Union Power Company (Mullens) at a new delivery point which is expected to be placed in service by July 1979.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 8, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[Docket No. ER79-312]
[FR Doc. 79-12583 Filed 4-23-79; 8:45 am]
BILLING CODE 6450-01-M

Arkansas Louisiana Gas Co.; Application

April 17, 1979.

Take notice that on March 27, 1979, Arkansas Louisiana Gas Company (Applicant), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP79-243, an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of gas with El Paso Natural Gas Company (El Paso) and the construction and operation of facilities necessary therefor, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to exchange gas with El Paso pursuant to the terms of an exchange agreement dated December 29, 1978, between the two companies, which agreement provides for the gathering, delivery and exchange of volumes of gas produced in Hemphill, Roberts and Wheeler Counties, Texas, and Beckham, Caddo, Custer, Ellis, Roger Mills and Washita Counties, Oklahoma, and in such other area of interest as may be added thereto

by mutual agreement from time to time. The agreement set forth that with respect to each well covered under the proposed area of interest, the gathering party shall receive gas produced therefrom and to the extent of the other party's interest therein shall receive the same for such other party's account, it is said.

Applicant states that the proposed exchange would enable each of the parties to receive into their respective systems by displacement their share of the gas from various wells in areas where both are buying gas and where it is more expeditious to have gas received by the other party's pipeline. As each party receives gas for the other party's account in the field, equivalent volumes would be returned on as contemporaneous a basis as operating conditions permit, it is stated.

The party gathering the gas from the well or wells shall install, own, maintain, and operate all necessary lines and facilities to receive and measure gas therefrom into its system, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 10, 1979 filed with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules or practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is

required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

Docket 79 No. CP79-243]

[FR Doc. 79-12668 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

Boston Edison Co.; Tariff Change

April 18, 1979.

The filing Company submits the following:

Take notice that Boston Edison Company, on April 16, 1979, tendered for filing proposed changes in its FERC Electric Service Tariff No. 27. The proposed changes would increase revenues from jurisdictional sales and service by \$28,505.04 based on the 12 month period ending June 20, 1979.

The proposed change relates to a transmission agreement among Edison, New England Power Company, Montaup Electric Company, New Bedford Gas and Electric Company, and Cambridge Electric Light Company. The proposed change would revise the method of computing the property tax component of the fixed and operating costs of certain transmission facilities owned by Edison, all of which costs are shared equally with the New England Power Company.

A copy of this filing was served on New England Power Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions of protests should be filed on or before May 11, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[Docket No. ER79-307]

[FR Doc. 79-12585 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

Central Power and Light Co., et al.

April 19, 1976.

In the matter of Central Power and Light Company, Public Service Company

of Oklahoma, Southwestern Electric Power Company, West Texas Utilities Company; extension of time.

On April 6, 1979, the Central and South West Companies filed a motion for an extension of time to file answers to the petitions to intervene in this proceeding and to file replies to Intervenor's requests for relief. The motion states that the extension is requested in order to permit a single and more comprehensive response to the numerous petitions filed.

Upon consideration, notice is hereby given that an extension of time is granted to and including April 30, 1979, for filing answers to the intervention petitions and replies to Intervenor's requests for relief.

Lois D. Cashell,

Acting Secretary.

[Docket No. EL79-8]

[FR Doc. 79-12569 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

Columbia Gas Transmission Corp.; Proposed changes in FERC Gas Tariff

April 18, 1979.

Take notice that on April 9, 1979, Cumbubia Gas Transmission Corporation (Columbia) tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1, to be effective April 26, 1979:

Fifty-third Revised Sheet No. 16

Columbia states that on March 22, 1979, it filed Fifty-first Revised Sheet No. 16 to its FERC Gas Tariff, Original Volume No. 1, to provide for the recovery of an annual increase in its cost of service of \$1,219,563. Columbia further states that said filing was made pursuant to Article VI-A of the Stipulation and Agreement in Columbia's Docket No. RP76-94, *et al.*, which provides that Columbia be permitted to increase its rates to track reductions in its and Columbia Gulf Transmission Company's (Columbia Gulf's) deferred income tax amount resulting from refunding accounts attributable to certain income tax refunds. The tariff sheet had a proposed effective date of April 26, 1979.

Columbia states that the filing of the present Fifty-third Revised Sheet No. 16 is necessitated by the filing of Fifty-second Revised Sheet No. 16 to reflect effective April 1, 1979, a rate reduction relative to Columbia Gulf's onshore depreciation rate. Fifty-third Revised Sheet No. 16 continues to reflect the rate adjustment filed on March 22, 1979, but now also reflects the rate reduction relative to Columbia Gulf's onshore depreciation rate.

Columbia states that copies of the filing were served upon each of its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to Intervene or protest with the Federal Energy Regulatory Commission Union Center Plaza Building, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before May 2, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[Docket No. RP76-74]

[FR Doc. 79-12564 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

Columbia LNG Corp.; Application

April 17, 1979.

Take notice that on March 23, 1979, Columbia LNG Corporation (Columbia LNG), 20 Montchanin Road, Wilmington Delaware 19807, filed in Docket No. CP79-235 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and an additional point of delivery, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Columbia LNG is part-owner and operator of the liquefied natural gas (LNG) receiving terminal at Cove Point, Maryland (Cove Point terminal) and the connecting 36-inch diameter transmission pipeline to the existing Loudoun, Virginia delivery point. Columbia LNG requests authorization for an additional point of delivery or regasified LNG to Columbia Gas Transmission Corporation (Transmission) at a point of interconnection to be constructed between Columbia LNG's 36-inch pipeline and Transmission's 20-inch pipeline, in Fairfax County, Virginia (Pleasant Valley interconnection). Columbia LNG states that it presently delivers natural gas to Transmission at an interconnection point in Loudoun County, and that the proposed Pleasant Valley interconnection would enable Transmission to service more efficiently

its customers and reduce its overall cost of service by retiring or replacing certain existing facilities. It is stated that in order to facilitate the delivery of transported gas, Columbia LNG requests authorization to construct and operate a measuring and regulating facility and an interconnection tap in Fairfax County, Virginia, at an estimated cost of \$1,200,000 which cost would be financed from funds generated internally.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 10, 1979 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

[Docket No. CP78-235]

[FR Doc. 79-12670 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

Distrigas Corp. and Distrigas Corp. of Massachusetts; Further Extension of Time

April 19, 1979.

On April 11, 1979, Distrigas Corporation filed a motion for stay of

Ordering Paragraph (E) of the Commission's Order of January 2, 1979, pending judicial review. The motion also asked for an extension of time for compliance with that Paragraph pending Commission action on the request for a stay.

Upon consideration, notice is hereby given that a further extension of time for complying with the refund requirement of Ordering Paragraph (E) is granted to and including May 14, 1979. The report of refunds and interest shall be filed on or before May 29, 1979.

Lois D. Cashell,
Acting Secretary.

[Docket Nos. CP70-196, CP73-135, CP74-137, and CP74-227]
[FR Doc. 79-12671 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

El Grande Pipeline Corp.; Petition for Special Relief

April 16, 1979.

Take notice that on March 12, 1979, El Grande Pipeline Corporation (Petitioner), 3950 First International Bldg., Dallas, Texas 75270, filed a petition for special relief in Docket No. CI67-820, pursuant to § 271.402(c)(3) of the Interim Regulations under the Natural Gas Policy Act of 1978 (18 CFR 271.402(c)(3)). Petitioner, as successor to the Service Gas Products Company and other intermediate companies, is operating a gathering system for sale to an interstate pipeline pursuant to a certificate granted in Docket No. CI67-820. Petitioner states that in order to renovate the system and to bring gas back into production it will be necessary to obtain a price of \$1.75 MMBtu for the sale of natural gas to Michigan Wisconsin Pipeline Company from the N. E. Lovedale Field, Sections 9, 10, 11, 13, 14, 15, 23, 24 and 25, T28N-R20W, Woods County, Oklahoma.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 5, 1979, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure applicable in this proceeding (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Lois D. Cashell,
Acting Secretary.

[Docket No. CI67-820]

[FR Doc. 79-12673 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

El Paso Electric Co.; Application

April 18, 1979.

Take notice that on March 23, 1979, El Paso Electric Company (Applicant) filed an application, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing the issuance up to 750,000 additional shares of Common Stock, no par value, under the Company's Dividend and Reinvestment and Stock Purchase Plan. The Applicant is a Texas corporation, with its principal business office at El Paso, Texas, and is engaged primarily in the electric utility business in Texas and New Mexico.

The net proceeds will be used to reduce short-term debt and other corporate purposes.

Any person desiring to be heard or to make any protest with reference to the application should on or before May 4, 1979, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,
Acting Secretary.

[Docket No. ES79-37]

[FR Doc. 79-12586 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

Equitable Gas Co.; Application for Permission To File a Purchased Gas Adjustment Clause

April 16, 1979.

Take notice that on March 1, 1979, Equitable Gas Company (Equitable) filed an application for permission to file a purchased gas adjustment clause.

Equitable states that it makes one sale for resale and that sale is to a Pennsylvania distribution company, Revere Natural Gas Company (Revere), for resale wholly within Pennsylvania. The sale to Revere is the only sale which Equitable makes under its Emergency Service Rate Schedule E-1.

Equitable is proposing to file for a certificate of public convenience and necessity establishing firm service to Revere, for authority to withdraw its Emergency Service Rate Schedule E-1, and for the inclusion of a Purchased Gas Adjustment Clause in its FERC Gas Tariff. In the instant application, Equitable requests special permission to: (1) file support for its Purchased Gas Adjustment clause pursuant to Section 154.38(d)(4)(i); (2) file a Purchased Gas Adjustment clause in the form prescribed by the Pennsylvania Public Utilities Commission; and, (3) receive

appropriate Commission approval on an expedited basis. Equitable states that the Purchased Gas Adjustment clause, for which it is requesting permission to file, provides for an annual projection of purchased gas costs with an annual reconciliation based upon experienced purchased gas costs.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 2, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Casbell,
Acting Secretary.

[Docket No. RP79-49]
[FR Doc. 79-12674 Filed 4-23-79; 8:45 am]
BILLING CODE 6450-01-M

Iowa Power & Light Co.; Application

April 16, 1979.

Take notice that Iowa Power & Light Company (Iowa Power) on March 30, 1979, tendered for filing and application for authorization under Section 203 of the Federal Power Act to consummate an Agreement and Plan of Merger, dated as of March 1, 1979, under which Iowa Power will become a subsidiary of Iowa Resources, Inc. through the statutory merger into Iowa Power of IPL, Inc., a wholly owned subsidiary of Iowa Resources.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 11, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are

on file with the Commission and are available for public inspection.

Lois D. Casbell,
Acting Secretary.

[Docket No. EL 79-13]
[FR Doc. 79-12672 Filed 4-23-79; 8:45 am]
BILLING CODE 6450-01-M

Kansas-Nebraska Natural Gas Co., Inc.; Proposed Change in Rates Under Purchase Gas Adjustment Clause Provision

April 18, 1979.

Take notice that Kansas-Nebraska Natural Gas Company, Inc., on April 13, 1979, tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1. This filing is made to adjust downward the purchased gas cost increase filed in this Docket on March 30, 1979.

This filing is made to enable Kansas-Nebraska to reflect in its rates pursuant to Section 19 of the General Terms and Conditions of its FERC Gas Tariff, Third Revised Volume No. 1, increases in its purchased gas costs. Kansas-Nebraska requests the instant filing be made effective on May 1, 1979.

Copies of the filing were served upon the company's jurisdictional customers and interested public bodies.

Any person desiring to be heard or make any protest with reference to this filing should, on or before May 2, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) under the Regulations of the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Casbell,
Acting Secretary.

[Docket No. RP 72-32 (PCA 79-1)]
[FR Doc. 79-12587 Filed 4-23-79; 8:45 am]
BILLING CODE 6450-01-M

Kentucky West Virginia Gas Co.; Proposed Change in Rates

April 18, 1979.

Take notice that Kentucky West Virginia Gas Company (Kentucky West) on March 30, 1979, tendered for filing with the Commission Ninth Revised Sheet No. 27 to its FERC Gas Tariff, First

Revised Volume No. 1, to become effective May 1, 1979. Kentucky West states that the change in rates results from the application of the Purchase Gas Cost Adjustment provision in Section 9, General Terms and Conditions of FERC Gas Tariff, Original Volume No. 1, approved by the Commission in Docket No. RP73-79 and the Purchase Gas Cost Adjustment provision in Section 18, General Terms and Conditions of FERC Gas Tariff, First Revised Volume No. 1, approved by the Commission in Docket No. RP76-93.

Kentucky West states that a copy of its filing has been served upon the purchasers and interested state commissions and upon each party on the service list of Docket No. RP76-93.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before May 4, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Casbell,
Acting Secretary.

[Docket No. RP73-87 and RP76-93]
[FR Doc. 79-12588 4-23-79; 8:45 am]
BILLING CODE 6450-01-M

Minnesota Power & Light Co.; Application

April 16, 1979.

Take notice that Minnesota Power & Light Company on April 2, 1979, tendered for filing an application for Commission approval of the sale of certain transmission facilities. The purchaser of the number 65 line is to be United States Steel, although Minnesota Power & Light indicates that the final purchase order has yet to be received from United States Steel.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 11, 1979. Protests will be considered by the

Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary

[Docket No. EL 79-14]

[FR Doc. 79-12589 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

Montana Power Co.; Certification of Settlement Agreement

April 18, 1979.

Take notice that on April 11, 1978, the Honorable Burton S. Kolo, Presiding Judge, certified to the Commission a proposed settlement agreement between Montana Power Company and Central Montana Electric Generation & Transmission Cooperative, Inc. in the above-captioned docket. The settlement agreement was submitted to the Presiding Judge on April 6, 1979. The Commission Staff supports the settlement.

Any person desiring to be heard or to protest said filing should file comments or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 9, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary

[Docket No. ER78-515]

[FR Doc. 79-12590 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

Natural Gas Pipeline Co. of America; Application 4 April 17, 1979.

Take notice that on March 26, 1979, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP79-239 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of gas to Mountain Fuel Supply Company (Mountain Fuel) and Colorado Interstate Gas Company

(CIG), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has contracted to purchase gas from Enserch Exploration, Inc. (Enserch) produced in Uintah County, Utah. It is stated that the gas is remote from Applicant's existing pipeline system, but that Mountain Fuel has a transmission system in the area. It is further indicated that pursuant to the terms of a gas purchase and transportation agreement dated October 3, 1978, between Applicant and Mountain Fuel, Mountain Fuel would transport volumes of gas tendered by Applicant from its area of interest in Uintah County and would deliver such gas to CIG for Applicant's account at an existing point of interconnection between the facilities of Mountain Fuel and CIG in Sweetwater County, Wyoming. It is indicated that CIG would redeliver the gas to Applicant at an existing interconnection in Beaver County, Oklahoma, pursuant to the terms of a transportation and exchange agreement-systemwide between Applicant and CIG dated December 29, 1978. Applicant states that it would construct the necessary facilities to connect such sources of gas to Mountain Fuel's 16-inch main pipeline in or near Section 21, Uintah County pursuant to the terms and conditions of its currently authorized budget-type certificate.

As partial consideration for the transportation service performed by Mountain Fuel and CIG, Applicant proposes to sell to Mountain Fuel, or to Mountain Fuel and CIG a combined total of 25 percent of all gas delivered by Applicant to Mountain Fuel from the area of interest in Uintah County. Applicant states that it would sell such gas to Mountain Fuel and CIG at a price based on the weighted average price of gas purchased by Applicant from each well. An initial gathering charge of 10.0 cents per Mcf based on Applicant's estimated cost of service to reflect gathering, compressing, including fuel cost, dehydrating, treating and measuring of the gas, as may be changed periodically to reflect Applicant's actual cost of service upon approval of the Commission, would be added to the price for gas purchased by either party under its purchase option, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 10, 1979 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or

1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary

[Docket No. CP79-239]

[FR Doc. 79-12675 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

Natural Gas Pipeline Co. of America; Proposed Changes in FERC Gas Tariff

April 18, 1979.

Take notice that on April 16, 1979, Natural Gas Pipeline Company of America (Natural) tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1. Natural states that the proposed changes will make effective:

- Substitute Thirty-eighth Revised Sheet No. 5.
- Substitute Original Sheet No. 148.

Natural states that the substitute sheets to be effective April 1, 1979, were submitted in compliance with Commission order issued March 30, 1979, Docket No. RP79-38 (RP79-53, et al.). The substitute tariff sheets also reflect the lower PGA unit adjustment filed March 12, 1979, in Docket No. RP71-125 (PGA79-1).

Copies of this filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 3, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Casbell,
Acting Secretary.

[Docket No. RP79-38]

[FR Doc. 79-12591 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

Northwest Pipeline Corp.; Petition To Amend

April 13, 1979.

Take notice that on April 10, 1979, Northwest Pipeline Corporation (Northwest), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket Nos. CP75-341 and CP75-342 a petition to amend the order, issued September 19, 1977, in said dockets pursuant to Section 3 of the Natural Gas Act so as to authorize Northwest to continue to import natural gas at the Sumas, Washington, and the Kingsgate, British Columbia, import points at an increased border price ordered by the National Energy Board of Canada (NEB), effective May 1, 1979, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The gas imported at the Sumas and Kingsgate import points is purchased from Westcoast Transmission Company Limited (Westcoast) at the current border price of \$2.16 (U.S.), effective September 21, 1977. Northwest states that the NEB has ordered an increase in the border price from \$2.16 to \$2.30 (U.S.), effective May 1, 1979. Accordingly, Northwest requests authorization to continue the importation of gas at said points at the increased price.

Northwest asserts that it must pay Westcoast the increased price ordered by the NEB in order that Westcoast comply with its export licenses or Northwest would suffer the loss of these supplies, which comprise approximately 1/3 of its projected annual gas supply.

Any person desiring to be heard or to make any protest with reference to said petition should file a petition on or before May 4, 1979, with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Lois D. Casbell,
Acting Secretary.

[Docket Nos. CP75-341 and CP75-342]

[FR Doc. 79-12678 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

Northwest Pipeline Corp.; Corrected Tariff Filing

April 18, 1979.

Take notice that on April 10, 1979, Northwest Pipeline Corporation ("Northwest") filed corrected copies of the following revised tariff sheet to its FERC Gas Tariff, Original Volume No. 2:

Original Sheet No. 2 (Corrected April 10, 1979). This sheet was originally submitted by Northwest on March 30, 1979, as part of a general rate increase filing. Northwest states that, subsequent thereto, it was discovered that such tariff sheet did not reflect the fuel use requirement percentage to be used for billing purposes under applicable special Rate Schedules in Northwest's FERC Gas Tariff, Original Volume No. 2. The instant filing is being made solely for the purpose of correcting such omission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 4, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Lois D. Casbell,
Acting Secretary.

[Docket No. RP79-57]

[FR Doc. 79-12592 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

Otter Tail Power Co.; Upper Mississippi Valley Power Pool Agreement

April 18, 1979.

The filing Company submits the following:

Take notice that the Otter Tail Power Company (Otter Tail) on April 16, 1979 tendered for filing revisions in Service Schedules "B" and "C", of its Upper Mississippi Valley Power Pool Agreement which are proposed to become effective May 1, 1979.

The filing provides for revisions in the Demand Rate of Service Schedule "B", Seasonal Participation Power Interchange Service, and the Energy Rate of Service Schedule "C", Emergency and Scheduled Outage Interchange Service.

According to Otter Tail the filing has been served upon the appropriate state regulatory agencies in states that the Upper Mississippi Valley Power Pool is providing service.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before May 11, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Casbell,
Acting Secretary.

[Docket No. ER79-309]

[FR Doc. 79-12593 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

Pacific Power & Light Co.; Modification of Rate Schedule

April 18, 1979.

The filing Company submits the following:

Take notice that Pacific Power & Light Company (Pacific) on April 13, 1979, tendered for filing, in accordance with Section 35.13 of the Commission's

Regulations, an amendment to Rate Schedule FPC No. 84 changing the fiscal year from September 1–August 31 to July 1–June 30. The rate schedule provides for exchanges with the Bonneville Power Administration (BPA) of energy from Pacific's share of the output of the Washington Public Power Supply System (WPPSS) generating project generally referred to as the "NPR" reactor near Richland, Washington.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective June 30, 1978, which it claims is the date of commencement of service.

Copies of the filing were supplied to WPPSS and BPA.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 8, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[Docket No. ER 79-310]

[FR Doc. 79-12594 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

Panhandle Eastern Pipe Line Co.; Change in Tariff.

April 18, 1979.

Take notice the Panhandle Eastern Pipe Line Company (Panhandle) on April 13, 1979 tendered for filing First Substitute Original Sheet No. 43-6 to its FERC Gas Tariff, Original Volume No. 1. An effective date of April 1, 1979 is proposed.

Panhandle submits that this substitute tariff sheet is being filed pursuant to ordering paragraph (G) of the Commission's order issued March 30, 1979 in Docket No. RP79-34. This tariff sheet reflects a methodology for calculating volumes subject to the Louisiana First Use Tax consistent with Panhandle's PGA methodology for calculating volumes to develop current adjustments.

Panhandle states that copies of this filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE, Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection. Such petitions or protests should be filed on or before May 2, 1979.

Lois D. Cashell,
Acting Secretary.

[Docket No. RP79-34]

[FR Doc. 79-12595 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

Public Service Co. of Oklahoma; Capacity Sale

April 18, 1979.

The filing Company submits the following:

Take notice that Public Service Company of Oklahoma (PSO) tendered for filing on April 2, 1979, a Letter Agreement Supplement to Rate Schedule FERC No. 181 with The Empire District Electric Company (EDE) which provides for the sale by PSO of 25 megawatts of capacity from its Riverside Station Unit No. 1 to EDE for the twelve-month period beginning June 1, 1979 and ending May 31, 1980 according to PSO.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 27, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[Docket No. ER79-306]

[FR Doc. 79-12596 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

Public Service Electric and Gas Co.; Filing

April 18, 1979.

The filing Company submits the following:

Take notice that Public Service Electric and Gas Company of New Jersey on April 16, 1979, tendered for filing an agreement for electric service to Atlantic City Electric Company.

The rate for service is a standard rate of the Company designated Rates Schedules FERC Nos. 64, 65 and 66 which was accepted for filing by the Commission effective November 6, 1978 in Docket No. ER79-9, to which has been added a temporary delivery voltage level. The Company has no other rate for similar service.

Copies of the filing were served upon Atlantic City Electric Company, the Boroughs of Milltown, South River, Park Ridge, and the New Jersey Board of Public Utilities.

Any person desiring to be heard or to protest said filing should file comments or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such comments or protests should be filed on or before May 11, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[Docket No. ER79-308]

[FR Doc. 79-12592 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

Southern California Edison Co.; Tariff Change

April 18, 1979.

The filing Company submits the following:

Take notice that Southern California Edison Company (Edison) on April 13, 1979, tendered for filing a change in transmission service charges under the provisions of Edison's agreement with the City of Anaheim as embodied in Rate Schedule FERC No. 99.

The change or rate for transmission service charges is as follows:

Current rate (9.98% rate of return)	New rate (9.6% rate of return)	Increase
0.61 mills/kWh	0.645 mills/kWh	0.035 mills/kWh

Said filing is in accordance with terms of the agreement stating that whenever the California Public Utilities Commission (CPUC) finds a new overall rate of return on retail operations to be reasonable for Edison, the charges for transmission services shall be adjusted based on said new rate of return. Said new rate of return of 9.6% was authorized in CPUC Decision No. 89711, effective January 1, 1979.

Copies of this filing were served upon the City of Anaheim and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest this application should file petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with § 1.8 and § 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 8, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Casbell,
Acting Secretary.

[Docket No. ER79-301]
[FR Doc. 79-12598 Filed 4-23-79; 8:45 am]
BILLING CODE 6450-01-M

Southern California Edison Co.; Tariff Change

April 18, 1979.

The filing Company submits the following:

Take notice that Southern California Edison Company (Edison) on April 13, 1979, tendered for filing a change of transmission service charges under the provisions of Edison's agreement with the City of Riverside as embodied in Rate Schedule FERC No. 84.

The change of rate for transmission service charges is as follows:

Current rate (8.98% rate of return)	New rate (9.6% rate of return)	Increase
1.32 mills/kWh	1.39 mills/kWh	0.07 mills/kWh

Said filing is in accordance with terms of the agreement stating that whenever the California Public Utilities

Commission (CPUC) finds a new overall rate of return on retail operations to be reasonable for Edison the charges for transmission services shall be adjusted based on said new rate of return. Said new rate of return of 9.6% was authorized in CPUC Decision No. 89711, effective January 1, 1979.

Copies of this filing were served upon the City of Riverside and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest this application should file petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with § 1.8 and § 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 8, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Casbell,
Acting Secretary.

[Docket No. ER79-302]
[FR Doc. 79-12599 Filed 4-23-79; 8:45 am]
BILLING CODE 6450-01-M

Southern California Edison Co. Tariff Change

April 18, 1979.

The filing Company submits the following:

Take notice that Southern California Edison Company (Edison) on April 13, 1979, tendered for filing a change of transmission service charges under the provisions of Edison's agreement with the City of Glendale as embodied in Rate Schedule FERC No. 79.

The change of rate for transmission service charges is as follows:

Current rate (8.98% rate of return)	New rate 9.6% rate of return)	Increase
0.17 mills/kWh	0.23 mills/kWh	0.06 mills/kWh

Said filing is in accordance with terms of the agreement stating that whenever the California Public Utilities Commission (CPUC) finds a new overall rate of return on retail operations to be reasonable for Edison the charges for transmission services shall be adjusted based on said new rate of return. Said new rate of return of 9.6% was authorized in CPUC Decision No. 89711, effective January 1, 1979.

Copies of this filing were served upon the City of Glendale and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest this application should file petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 8, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Casbell,
Acting Secretary.

[Docket No. ER79-303]
[FR Doc. 79-12600 Filed 4-23-79; 8:45 am]
BILLING CODE 6450-01-M

Southern California Edison Co.; Tariff Change

April 18, 1979.

The filing Company submits the following:

Take notice that Southern California Edison Company (Edison) on April 13, 1979, tendered for filing a change of transmission service charges under the provisions of Edison's agreement with the City of Riverside as embodied in Rate Schedule FERC No. 98.

The change of rate for transmission service charges is as follows:

Current rate (8.98% rate of return)	New rate (9.6% rate of return)	Increase
0.77 mills/kWh	0.805 mills/kWh	0.035 mills/kWh

Said filing is in accordance with terms of the agreement stating that whenever the California Public Utilities Commission (CPUC) finds a new overall rate of return on retail operations to be reasonable for Edison, the charges for transmission services shall be adjusted based on said new rate of return. Said new rate of return of 9.6% was authorized in CPUC Decision No. 89711, effective January 1, 1979.

Copies of this filing were served upon the City of Riverside and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest this application should file petition to intervene with the Federal Energy Regulatory Commission, 825

North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 8, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[Docket No. ER79-304]

[FR Doc. 79-12601 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

Southern California Edison Co.; Tariff Change

April 18, 1979.

The filing Company submits the following:

Take notice that the Southern California Edison Company (Edison) on April 13, 1979 tendered for filing a change of transmission service charges under the provisions of Edison's agreement with the City of Pasadena as embodied in Rate Schedule FERC No. 88.

The change of rate for transmission service charges is as follows:

Current rate (8.98% rate of return)	New rate (9.6% rate of return)	Increase
(a) 0.34 mills/kWh ..	0.41 mills/kWh	0.07 mills/kWh
(b) 1.25 mills/kWh ..	1.32 mills/kWh	0.07 mills/kWh
(c) 1.40 mills/kWh ..	1.47 mills/kWh	0.07 mills/kWh

(a) From Los Angeles Department of Water and Power

(b) From Nevada Power or Salt River Project

(c) From others.

Said filing is in accordance with terms of the agreement stating that whenever the California Public Utilities Commission (CPUC) finds a new overall rate of return on retail operations to be reasonable for Edison, the charges for transmission services shall be adjusted based on said new rate of return. Said new rate of return of 9.6% was authorized in CPUC Decision No. 89711, effective January 1, 1979.

Copies of this filing were served upon the City of Pasadena and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest this application should file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington,

D.C. 20426, in accordance with § 1.8 and § 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 8, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[Docket No. ER79-305]

[FR Doc. 79-12602 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

Transcontinental Gas Pipe Line Corp. and Northern Natural Gas Co.; Amendment

April 13, 1979.

Take notice that on March 27, 1979, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001 and Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP78-486 a joint amendment to Transco's application filed in said docket pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, installation, and operation of certain natural gas pipeline facilities, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is stated that the purpose of this amendment is to include Northern as a joint owner of, and joint applicant for, the natural gas pipeline facilities that were proposed by Transco in the subject docket.

Transco and Northern have preferential rights to purchase an estimated 53,000,000 Mcf of natural gas reserves discovered and developed in West Cameron Block 405, offshore Louisiana in the federal domain, it is stated. The Applicants state that one-half of the West Cameron Block 405 reserves are committed to Northern pursuant to a gas purchase contract between Northern and Texasgulf, Inc. (Texasgulf) dated March 15, 1978, covering Texasgulf's 25 percent interest in West Cameron Block 405 reserves. Northern states that its Exploration and Production Division has the remaining 25 percent interest, and that Natural Gas Pipeline Company of America would perform a transportation service utilizing its capacity in Stingray Pipeline Company (Stingray) for Northern.

Applicants propose to construct and

operate a meter and regulatory station on a production platform installed in Block 405 and 7.17 miles of 10-inch line from the platform to a subsea tap on Stingray's 36-inch line in Block 277, West Cameron Area. It is stated that Transco and Northern would each own a 50 percent interest in the facilities and would share in the capacity of the facilities on the same basis.

The estimated cost of the proposed facilities is \$3,200,000.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons having heretofore filed need not do so again.

Lois D. Cashell,

Acting Secretary.

[Docket No. CP78-486]

[FR Doc. 79-12603 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

Transcontinental Gas Pipe Line Corp.; Application

April 13, 1979.

Take notice that on March 28, 1979, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP79-242 an application pursuant to Section 3 of the Natural Gas Act for authorization to import, during a limited-term commencing with first deliveries and ending October 31, 1981, up to 75,000 Mcf of natural gas per day and 22,000,000 Mcf per year from Canada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco states that it has entered into a gas purchase agreement with Sulpetro Limited (Sulpetro) of Calgary, Province of Alberta, Canada for the natural gas proposed to be imported. Transco states that pursuant to the agreement, Sulpetro would deliver on a firm basis, 53,000 Mcf per day year round, and up to a maximum level of 75,000 Mcf per day on a best efforts basis during the winter months. It is stated that Transco is obligated to receive or pay for up to

22,000,000 Mcf of natural gas if tendered, and would use its best efforts to receive greater quantities if available.

The price of the gas would be the international border price as set by the National Energy Board of Canada, which presently is \$2.16 (U.S.) per million Btu, it is stated. It is asserted that the cost of the imported gas would be in the same price range as new domestic supplies, and that such cost would be reflected in subsequent purchased gas adjustment filings by Transco. Accordingly, Transco requests that waivers, of the Commission's regulations as may be necessary, be included in the authorization requested, to permit such method of recovery of purchased gas costs.

It is stated that the source of the gas to be imported is five fields in Alberta, Canada known as the Amisk, Chinchaga, Irish, Karr, and Valhalla Fields. Transco states that the gas would be transported by Alberta Gas Trunk Line Company Limited to TransCanada Pipelines Limited for delivery into the United States from Canada by means of existing pipeline facilities located at the International Boundary near Niagara Falls, New York, and owned and operated by Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Lois D. Casbell,
Acting Secretary

[Docket No. CP 79-242]
[FR Doc. 79-12604 Filed 4-23-79; 8:45 am]
BILLING CODE 6450-01-M

Trunkline Gas Co.; Change in Tariff

April 18, 1979.

Take notice that Trunkline Gas Company (Trunkline) on April 13, 1979 tendered for filing First Substitute Original Sheet Nos. 21-M and 21-N to its FERC Gas Tariff, Original Volume

No. 1. An effective date of April 1, 1979 is proposed.

Trunkline submits that these substitute tariff sheets are being filed pursuant to ordering paragraph (G) of the Commission's order issued March 30, 1979 in Docket No. RP79-33. These tariff sheets reflect a methodology for calculating volumes subject to the Louisiana First Use Tax consistent with Trunkline's PGA methodology for calculating volumes to develop current adjustments.

Trunkline states that copies of this filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection. All such petitions or protests should be filed on or before May 2, 1979.

Lois D. Casbell,
Secretary.

[Docket No. RP79-33]
[FR Doc. 79-12605 Filed 4-23-79; 8:45 am]
BILLING CODE 6450-01-M

United Gas Pipeline Co.; Settlement Conference

April 18, 1979.

Take notice that an informal settlement conference will be convened in the subject gas pipeline rate proceedings at 9:00 A.M. on May 8, 1979 in a hearing room at the office of the Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceedings.

Lois D. Casbell,
Acting Secretary.

[Docket Nos. RP72-133 and PGA 78-2, et al.]
[FR Doc. 79-12606 Filed 4-23-79; 8:45 am]
BILLING CODE 6450-01-M

Western Gas Interstate Co.; Proposed PGA Rate Adjustment

April 18, 1979.

Take notice that on March 30, 1979, Western Gas Interstate Company ("Western") filed herein Twelfth Revised Sheet No. 3A to its FERC Gas Tariff, Original Volume No. 1. Said tariff sheet is proposed to become effective on May 1, 1979.

Western states the proposed increase in rates is being filed in accordance with its Tariff's PGA clause which permits the recovery of increases in the cost of gas and of unrecovered purchased gas costs. Western further states the proposed Purchase Gas Cost Adjustment for the Northern Division is 41.96 cents per Mcf; for the Southern Division it is 46.49 cents per Mcf. The proposed surcharge adjustment is 8.23 cents per Mcf for the Northern Division and 15.41 cents per Mcf for the Southern Division; the surcharge adjustments will only be effective over the six-month period May 1, 1979 through October 31, 1979.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 4, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Western's filing is on file with the Commission and are available for public inspection.

Lois D. Casbell,
Acting Secretary.

[Docket No. RP74-65 (PGA 79-1)]
[FR Doc. 79-12607 Filed 4-23-79; 8:45 am]
BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs; Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sales:

Contract No. S-EU-575, to the United Kingdom Atomic Energy Establishment, 500 g uranium metal, containing 0.04% U-235, to be used for research and development.

Contract No. WC-EU-117, to the Centre d'Etude de L'Energie Nucleaire, Mol, Belgium, radioactive material consisting of 3 mg U-235, 15 mg U-238, and 12 mg Np-237 in radiation detecting instruments to be used for the International Fast Test Reactor Dosimetry inter-comparison program sponsored by the United States and the International Atomic Energy Agency.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: April 17, 1979.

Harold D. Bengelsdorf,
Director for Nuclear Affairs International Programs.
[FR Doc. 79-12721 Filed 4-23-79; 8:45 am]
BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale:

Contract No. S-EU-568, to the Johannes Gutenberg Universitat, Mainz, West Germany, 1 microcurie of Plutonium-237, to be used for research on radio ecology of plutonium.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: April 17, 1979.

Harold D. Bengelsdorf,
Director for Nuclear Affairs International Programs.
[FR Doc. 79-12722 Filed 4-23-79; 8:45 am]
BILLING CODE 6450-01-M

Office of Environment

Environmental Advisory Committee; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Environmental Advisory Committee will meet Thursday, May 10, 1979, from 8:30 a.m. to 5:00 p.m., and Friday, May 11, 1979, from 9:00 a.m. to 5:00 p.m., at the Department of Energy, 20 Massachusetts Avenue, N.W., Room 4222C, Washington, D.C.

The purpose of the Environmental Advisory Committee is to advise the Department of Energy on the overall activities which pertain to the goals of restoring, protecting and enhancing environmental quality and assuring public health and safety.

The tentative agenda is as follows:

Thursday, May 10, 1979

- Review of January meeting by Chairman
- National Coal Policies: Overview
- Panel:
 - Environmental Implications of increased Coal Use: Extraction
 - Programs
 - Environmental Impacts
 - Components of environmental decisionmaking process
- Panel:
 - Environmental Implication of increased Coal Use: Synfuels
 - Programs
 - Environmental Impacts
 - Components of decisionmaking
- Panel:
 - Environmental Implication of increased Coal Use: Combustion
 - Programs
 - Environmental Impacts
 - Components of decisionmaking
- Summary of Environmental Research Priorities and Funding
- Chairman's Summary
- Public Comment (10 minute rule)

Friday, May 11, 1979

- Summary of Section 11 (Non-nuclear R&D Act of 1974)
- Briefing on Current Issues
 - President's Energy Message
 - Three Mile Island
- Brief Report on Coal Policy Project
- Committee Work
- Public Comment (10 minute rule)

The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who

wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should inform Georgia Hildreth, Director, Advisory Committee Management Office, 202-252-5187, at least 5 days prior to the meeting and reasonable provisions will be made to include their presentation on the agenda.

Transcripts of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. In addition, any person may purchase a copy of the transcript from the reporter. An Executive Summary of the meeting may be obtained by calling the Advisory Committee Management Office at the above number.

Issued at Washington, D.C. on April 16, 1979.

Tina C. Hobson,
Advisory Committee Management Officer
[FR Doc. 79-12719 Filed 4-23-79; 8:45 am]
BILLING CODE 6450-01-M

Office of the Secretary

Requests for Interpretation Filed With the Office of General Counsel; Month of March 1979

Notice is hereby given that during the month of March 1979, the Requests for Interpretation listed in the Appendix to this notice were filed pursuant to 10 CFR Part 205, Subpart F with the Office of General Counsel, Department of Energy (DOE). Notice of subsequently received requests will be published at the end of each calendar month. Copies of the Requests for Interpretation listed herein are on file in and should be obtained from the DOE's Public Reading Room, Information Access Office, Room GA-152, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-5968.

The statement of issue that follows each Request for Interpretation listed in the Appendix is not intended to be definitive or final. Rather, the issue statement should be regarded as the initial restatement by the DOE of the question that appears to have been presented for resolution. The issue may, of course, be refined and modified during the interpretative process.

Interested parties may submit written comments on the listed interpretation requests by May 24, 1979. Comments

should be identified on the outside envelope and on documents submitted with the file number of the interpretation request and all comments should be filed with the Office of General Counsel, Department of Energy, Room 1111, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, Attention: Diane Stubbs. Aggrieved parties, as defined in 10 CFR 205.2, will continue to receive actual notice of pending interpretation requests in

accordance with the current practice of the Office of General Counsel.

For further information contact Diane Stubbs, Office of General Counsel, 12th and Pennsylvania Avenue NW., Room 1111 Washington, D.C. 20461, (202) 633-9070.

Everard A. Marseglia, Jr.,
Assistant General Counsel for Interpretations and Rulings,
Office of General Counsel.

April 18, 1979.

Appendix—List of Requests for Interpretation Received by the Office of General Counsel

(Month of March 1979)

Date received	Name and location of requestor	File No.
Mar. 13	Standard Oil Company (Indiana), Susan P. Lui, Esq., 200 East Randolph Drive, Post Office Box 5910-A, Chicago, Illinois 60660. Issue: Does the deadweight limitation set forth in 10 CFR 212.85(d)(1)(i) refer to the largest fully loaded vessel which was available to the shipper and therefore was able to make the voyage in a practical as well as a theoretical context.	A-391
Mar. 14	Krenik Distributors, Inc., Gale P. Hayer, Jr., Hayer-Levinsk, Suite 1900, Pacific Building, Third Avenue and Columbia Street, Seattle, Washington 98104. Issue: Is a consignee a wholesale purchaser-reseller as that term is defined by 10 CFR 211.51 if it did not enter into a relationship with its supplier until May 1, 1973, and performs all the functions of a petroleum jobber except that it does not take title to the product.	A-392
Mar. 23	Solar Turbines International, Philip R. Mann, Esq., P.O. Box 931, Solana Beach, California 92075. Issue: Does the manufacture of gas turbine engines and power systems used primarily for the production and transmission of crude oil and natural gas qualify as "energy production" as defined in 10 CFR 211.51	A-396
Mar. 23	Commonwealth of Pennsylvania, Robert C. Wilburn, Secretary of Budget and Administration, Commonwealth of Pennsylvania, Governor's Office, Harrisburg, Pennsylvania. Issue: Are increases in a State tax on motor gasoline applied to sales within the State not subject to the limitations on cost passthrough of 10 CFR 212.93 if the tax imposed is added to the maximum allowable price charged by wholesale distributors and subsequent resellers (if any) in the marketing chain, who act as express or implied agents to collect the tax for the State, until the tax is borne by the ultimate consumer, as intended by Pennsylvania law.	A-397

[FR Doc. 79-12720 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Request for Written Comments on the Marketing of Boulder Canyon Project Power

AGENCY: Western Area Power Administration (WAPA), Department of Energy.

ACTION: Notice of a Request for Written Comments on the Marketing of Boulder Canyon Project Power.

SUMMARY: WAPA is in the process of developing a marketing plan for Boulder Canyon Project (Hoover Dam) power after termination of the existing contracts in May 1987. Various alternatives being considered are presented herein, and WAPA is soliciting written comments from interested parties.

DATES: Preferably, written comments should be received by June 1, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. R. A. Olson, Area Manager, Western Area Power Administration, P.O. Box 200, Boulder City, NV 89005, (702) 293-8475.

SUPPLEMENTARY INFORMATION: The Federal Boulder Canyon Project is the largest hydroelectric power development serving southern California, southern Nevada, and Arizona. It has a 35-year average annual gross generation of approximately 4 billion kilowatthours and 1,345 megawatts of installed capacity. Construction and operation of Hoover Dam and the associated powerplant were authorized by the Boulder Canyon Project Act of 1928, and commercial power generation began in 1938. The

seventeenth and last generator was placed in commercial operation on December 1, 1961. Hoover Powerplant is now operated for the United States by the Department of Water and Power, City of Los Angeles, and Southern California Edison Company. Approximately 65 percent of the energy generated at Hoover Dam is now sold to various entities in California, including the City of Los Angeles and Southern California Edison Company. The States of Arizona and Nevada are each entitled to 17.6 percent. Over one-third of the energy is currently committed to the Metropolitan Water District of Southern California for pumping Colorado River water to the southern California coastal area. The existing Boulder Canyon Project electric sales contracts expire on May 31, 1987. The Western Area Power Administration is now seeking the views of parties interested in the post-1987 marketing of Boulder Canyon Project power. Major issues being examined by WAPA include contract renewal, or reallocation to new customers, and related preference considerations.

Each of the Hoover electric service contracts includes a renewal provision as prescribed by the Boulder Canyon Project Act. Section 5(b) of the Act states:

The holder of any contract for electric energy not in default thereunder shall be entitled to a renewal thereof upon such terms and conditions as may be authorized or required under the then existing laws and regulations, unless the property of such holder dependent for its usefulness on a continuation of the contract be purchased or acquired and such holder be compensated for damages to its property, used and useful in the transmission and distribution of such electrical energy and not taken, resulting from the termination of the supply.

Each of the electrical service contracts contains similar language.

Based on this renewal clause, there are several obvious alternatives for the post-1987 disposition of the Hoover power resources. Some alternatives are:

1. To renew electric service arrangements with existing contractors under new terms and conditions.
2. To renew electric service arrangements under new terms and conditions with all existing preference contractors and reallocate amounts presently allotted to nonpreference customers.
3. To reallocate all energy and capacity.

New terms and conditions established for any of the three (3) alternative may include such concepts as the integration

of the Hoover resource with the Parker-Davis, Navajo, and Southern Division Colorado River Storage Project resources administered by WAPA and their sale as a single power resource.

In the vent electrical service arrangements are not renewed with the existing contractors, compensation in accordance with the Boulder Canyon Project Act and the corresponding contract provisions will apply.

The development of "preference" considerations in Federal power marketing policy may influence the decision whether or not to renew all existing contracts and on what terms. In general, preference in the sale of Federal hydroelectric power is given to public and nonprofit organizations, such as municipalities and REA cooperatives. The sale of Federal power to an investor-owned utility rather than a qualified preference applicant must normally be justified by special circumstances.

WAPA has just begun to investigate the implications of the marketing options outlined above. All persons interested in the post-1987 marketing of the Boulder Canyon Project power are encouraged to submit written comments. Comments or questions should be sent to the address provided above.

Issued at Golden, Colorado, April 16, 1979.

Robert L. McPhail,
Administrator

[FR Doc. 79-12762 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

Colorado River Storage Project (CRSP); Amendment to the Proposed Power Rate Adjustment

AGENCY: Western Area Power Administration (WAPA), Department of Energy.

ACTION: Notice of an Amendment to the Notice of Proposed Power Rate Adjustment for CRSP.

The Notice of Proposed Power Rate Adjustment for CRSP, which was published at 44 FR 19533 (April 3, 1979), is hereby amended for the purpose of including the following:

During the Public Information and Comment Forums held pursuant to 44 FR 19533 (1979), the standards as set forth in Title I of the Public Utility Regulatory Policies Act of 1978 (PURPA) (16 U.S.C. 2601 *et seq.*), will be discussed. Subsequent to the discussion of the standards set forth in title I of PURPA, the WAPA will consider and make a determination concerning whether or not it is appropriate to implement such standards to carry out the purposes of Title I. The determination shall be in writing, based on the findings included in such

determination and upon the evidence presented at the hearing, and available to the public.

DATES: Public Information Forums, at which the WAPA will outline the reasons for the rate increase, will be held in Phoenix, Arizona, on April 24, 1979; in Salt Lake City, Utah, on April 25, 1979; and in Denver, Colorado, on April 26, 1979. A Public Comment Forum, at which the public may comment on the proposed rate increase, will be held in Salt Lake City, Utah, on June 26, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. A. M. Gabiola, Area Manager, Western Area Power Administration, Salt Lake City Area Office, 175 North 2400 West, Salt Lake City, UT 84116, (801) 524-5493.

Issued in Golden, Colorado, April 16, 1979.

Robert L. McPhail,

Administrator

[FR Doc. 79-12761 Filed 4-23-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

Science Advisory Board—Executive Committee; Open Meeting

As required by Pub. L. 92-463 notice is hereby given that a meeting of the Executive Committee of the Science Advisory Board will be held beginning at 9 a.m., May 9-10, 1979, in the Administrator's Conference Room (Room 1101 West Tower), E.P.A. Headquarters, 401 M Street SW., Washington, D.C.

The agenda includes a response by the Office of Research and Development to the Report of the Science Advisory Board's Health Effects Research Review Group; a status report on the Three Mile Island Incident; a discussion concerning the status of risk assessment within E.P.A. and a review of various Science Advisory Board activities. The meeting is open to the public.

Any member of the public wishing to attend, participate, or obtain information should contact Dr. Richard M. Dowd, Staff Director, Science Advisory Board, 202-755-0263, by close of business May 2, 1979.

Dated: April 19, 1979

Burton Levy,

Acting Deputy Director Science Advisory Board.

[FRL 1209-7]

[FR Doc. 79-12725 Filed 4-23-79; 8:45 am]

BILLING CODE 6560-01-M

Quality Assurance for Bioresearch Studies; Memorandum of Agreement With the Food and Drug Administration

Cross Reference: For a document giving notice of a Memorandum of Agreement between the Environmental Protection Agency and the Food and Drug Administration regarding inspection of toxicological testing laboratories and the auditing of toxicological testing reports, see FR Doc. 79-12747 appearing in the Notice Section of this issue of the Federal Register.

BILLING CODE 4110-03-M

FEDERAL LABOR RELATIONS AUTHORITY

Interpretation and Guidance Relating to Termination of Written Dues Assignments

AGENCY: Federal Labor Relations Authority.

ACTION: Interpretation and Guidance Relating to Termination of Written Dues Assignments.

SUMMARY: This interpretation and guidance concerns the interpretation and application of section 7115(a) of the Federal Service Labor-Management Relations Statute (92 Stat. 1203) as it relates to when written dues assignments in effect on January 11, 1979, may be terminated through revocation by the employees concerned.

EFFECTIVE DATE: April 19, 1979.

FOR FURTHER INFORMATION CONTACT: Harold D. Kessler, Deputy Executive Director, 1900 E Street, NW., Washington, D.C. 20424, 202-632-3920.

SUPPLEMENTARY INFORMATION: The Federal Labor Relations Authority was established by Reorganization Plan No. 2 of 1978, effective January 1, 1979 (43 FR 36037). Since January 11, 1979, the Authority has conducted its operations under the Federal Service Labor-Management Relations Statute (92 Stat. 1191).

Upon the request of certain labor organizations, which request was supported by numerous other labor organizations and agencies, the Authority determined, in accordance with its regulations (5 CFR 2410.3(a)(1978)) and sections 7105 and 7135(b) of the Statute (92 Stat. 1196, 1215), to issue an interpretation and guidance concerning section 7115(a) of the Statute (92 Stat. 1203) as it relates to when dues assignments by employees in effect on January 11, 1979, may be terminated through revocations by those

employees. Interested persons were invited to express their views in writing on the matter involved. After careful consideration of the submissions by diverse labor organizations, agencies and individuals, the Authority issued its Interpretation and Guidance, expressing the views of the Authority on the proper interpretation and application of the relevant statutory provisions.

Interpretation and Guidance

As previously announced,¹ the Authority determined, in conformity with 5 CFR 2410.3(a) (1978) and section 7135(b) of the Federal Service Labor-Management Relations Statute (92 Stat. 1215), as well as section 7105 of the Statute (92 Stat. 1196), that an interpretation of the Statute is warranted on the following:

What is the proper interpretation and application of section 7115(a) of the Federal Service Labor-Management Relations Statute (92 Stat. 1203) as it relates to when written dues assignments in effect on January 11, 1979, may be terminated through revocations by the employees concerned? In this regard, interested persons are invited to address the impact, if any, of section 7135(a)(1) of the Statute (92 Stat. 1215) on section 7115(a) thereof as pertains to this matter.

The Authority also received submissions in support of the issuance of such interpretation from the following labor organizations: National Association of Government Employees; National Federation of Federal Employees; National Treasury Employees Union; Overseas Education Association, Inc.; and Public Employee Department, AFL-CIO.

The Office of Personnel Management, while differing with the basic position of the labor organizations on the merits of the matter, likewise supported the issuance of such an interpretation. The following major agencies also supported such an issuance: Department of Commerce; Department of Defense; Department of Justice; National Labor Relations Board; and Nuclear Regulatory Commission.

Concurrently, pursuant to 5 CFR 2410.6 (1978) and section 7135(b) of the Statute, the Authority invited interested persons to express their views in writing with respect to the matter involved. The

responses submitted to the Authority² were most thorough and helpful and have been carefully considered. In view of the depth and scope of these submissions, the Authority has determined that no useful purpose would be served by providing for an oral expression of views in the matter.

Background

Prior to the Statute, payroll deductions for employees' dues to labor organizations were governed by the provisions of section 21 of E.O. 11491, as amended, which provided in relevant part as follows:

Sec. 21. Allotment of dues. (a) When a labor organization holds exclusive recognition, and the agency and the organization agree in writing to this course of action, an agency may deduct the regular and periodic dues of the organization from the pay of members of the organization in the unit of recognition who make a voluntary allotment for that purpose. Such an allotment is subject to the regulations of the Civil Service Commission, which shall include provision for the employee to revoke his authorization at stated six-month intervals. Such an allotment terminates when—

- (1) the dues withholding agreement between the agency and the labor organization is terminated or ceases to be applicable to the employee; or
- (2) the employee has been suspended or expelled from the labor organizations. [Emphasis in body added.]

Under these provisions, as implemented by regulations of the Civil Service Commission (5 CFR 550.321 *et seq.* (1978)), employees were permitted to revoke their authorizations for dues deductions "at stated six-month intervals." The dates for these intervals, established in agreements between agencies and labor organizations, were commonly September 1 and March 1. Revocation requests could be submitted at any time during the six-month interval and would become effective at the start of the first full pay period on or after September 1 or March 1.

²In addition to the labor organizations and agencies listed in note 1, *supra*, the following labor organizations, agencies, and individuals submitted their views to the Authority: Alaska Fishermen's Union; American Nurses' Association; Association of Civilian Technicians; Laborers' International Union of North America; Local 3286, American Federation of Government Employees; Local Lodge 2065, International Association of Machinists and Aerospace Workers; National Association of Government Inspectors and Quality Assurance Personnel; Commodity Futures Trading Commission; Department of Energy; Department of Housing and Urban Development; Department of Treasury; Environmental Protection Agency; Federal Deposit Insurance Corporation; Federal Home Loan Bank Board; Federal Trade Commission; Internal Revenue Service; International Communication Agency; National Aeronautics and Space Administration; Railroad Retirement Board; Rudolph Kobe; and Joseph M. Schrod.

On October 13, 1978, the Statute was adopted, effective January 11, 1979 (92 Stat. 1191). Section 7115 of the Statute (92 Stat. 1203), relating to dues allotments, reads in pertinent part as follows:

§ 7115. Allotments to representatives

(a) If an agency has received from an employee in an appropriate unit a written assignment which authorized the agency to deduct from the pay of the employee amounts for the payment of regular and periodic dues of the exclusive representative of the unit, the agency shall honor the assignment and make an appropriate allotment pursuant to the assignment. Any such allotment shall be made at no cost to the exclusive representative or the employee. Except as provided under subsection (b) of this section, any such assignment may not be revoked for a period of 1 year.

(b) An allotment under subsection (a) of this section for deduction of dues with respect to any employee shall terminate when—

- (1) the agreement between the agency and the exclusive representative involved ceases to be applicable to the employee; or
- (2) the employee is suspended or expelled from membership in the exclusive representative. [Emphasis in body added.]

Following the adoption of the Statute, some labor organizations and agencies mutually agreed in substance that the six-month intervals for dues revocations would continue under their existing agreements, commonly until March 1 or September 1, 1979, and that the 1-year period for revocations under section 7115(a) would apply thereafter. However, in other instances certain labor organizations objected to the continuation of the six-month intervals under their existing collective bargaining agreements. They took the position that where requests for revocations were not submitted by employees to the agencies before January 11, 1979, the effective date of the Statute, the allotments should not be subject to revocation for a full year from that date, that is, until January 10, 1980.³ Contrary to the latter position, the Civil Service Commission had advised agencies, in part, that:⁴

The one-year period is a change from Executive Order 11491 and implementing regulations, which tie dues withholding to negotiated agreements and which allow

³Since it is not questioned that employee requests for revocations submitted to agencies before January 11, 1979, should be effectuated in accordance with the parties' existing agreements, the discussion which follows pertains only to revocation requests submitted to agencies on or after January 11, 1979.

⁴CSC Bulletin 711-48, Special Bulletin #10 (Dec. 28, 1978). "Guidance to Agencies on Actions To Be Taken On or Before January 11, 1979. Regarding Labor Relations Provisions in the Civil Service Reform Act," at 4.

¹Federal Labor Relations Authority, *Notice and Direction*, Feb. 23, 1979. This *Notice and Direction* was issued in response to an initial request for an interpretation of the Statute from the following labor organizations: American Federation of Government Employees; American Federation of State, County and Municipal Employees; International Association of Firefighters; International Brotherhood of Electrical Workers; International Federation of Professional and Technical Engineers; Metal Trades Department, AFL-CIO; and Service Employees International Union.

revocation of existing assignments at stated six-month intervals. Accordingly, parties may wish to negotiate the anniversary date for the one-year period. On or before January 11, 1979, agencies should inform employees affected of the elimination of the semi-annual revocation periods. The information should explain that after the next available six-month revocation date established by the applicable collective bargaining agreement, any future revocation can only be at one-year intervals from that date. * * *

Application of section 7115(a) to dues assignments unrevoked as of January 11, 1979

As previously indicated, section 7115(a) of the Statute expressly provides that, subject to only two exceptions not relevant here, "any such [dues] assignment may not be revoked for a period of 1 year." This provision clearly refers to dues assignments as described in the first sentence of section 7115(a). In context, it specifically provides that any dues assignment which the agency has received from an employee in an appropriate unit may not be revoked for a period of 1 year. Thus, according to its express language, the provision applies to any dues assignment, whether initiated before, on, or after the effective date of the Statute. Moreover, research has failed to disclose any legislative history of section 7115(a) or any statement of its purpose which would demonstrate an intent by Congress that the application of the 1-year period should be limited to dues assignments initiated on or after January 11, 1979. That is, there is no indication that the application of the 1-year period should be deferred in the case of dues assignments unrevoked as of January 11, 1979, unless such deferral is otherwise dictated by the savings provisions in the Statute.

We turn then to the question as to whether the pertinent savings provisions in the Statute reflect a different intent by Congress with respect to the application of section 7115(a).

Impact of savings provisions in the Statute

The pertinent savings provisions are contained in section 7135(a)(1) and section 7135(b) of the Statute (92 Stat. 1215). For convenience the impact of these provisions will be considered in reverse order.

Section 7135(b) of the Statute reads in pertinent part as follows:

(b) Policies, regulations, and procedures established under and decisions issued under Executive Orders 11491, 11616, 11636, 11787, and 11838, or under any other Executive order, as in effect on the effective date of this [Statute], shall remain in full force and effect

until revised or revoked by the President, or unless superseded by specific provisions of this [Statute] * * * [Emphasis added.]⁵

to Agencies on Actions To Be Taken On or Before January 11, 1979, Regarding Labor Relations Provisions in the Civil Service Reform Act, at 4.

As already indicated, section 7115(a) contains specific provisions concerning dues assignments which materially differ from the policies established under section 21 of the Order. For example, under section 7115(a) of the Statute, unlike under section 21 of the Order, dues assignments are not dependent on an agreement between an agency and a labor organization, nor are such assignments subject to implementing regulations of the Civil Service Commission (or its successor organizations). Moreover, of more immediate concern, section 7115(a) of the Statute expressly provides that dues assignments may not be revoked for a period of 1 year, whereas section 21 of the Order sanctions revocations at stated six-month intervals.

Thus, section 21 of the Order is superseded by specific provisions of section 7115(a) of the Statute,⁶ and, therefore, in the Authority's opinion the savings provision in section 7135(b) of the Statute is without impact on the time period for the revocation of dues assignments.

As to section 7135(a)(1) of the Statute, it reads in relevant part as follows:

(a) Nothing contained in this [Statute] shall preclude—

(1) The renewal or continuation of an exclusive recognition, certification of an exclusive representative, or a lawful agreement between an agency and an exclusive representative of its employees, which is entered into before the effective date of this [Statute]. [Emphasis added.]

As noted hereinbefore dues assignments initiated under section 21 of the Order depended on an agreement between an agency and a labor organization which provided for such assignments and for their revocation at six-month intervals. By the express language of section 7135(a)(1), nothing in the Statute precludes the parties to such an agreement from mutually renewing or continuing the terms of that agreement if

⁵ Section 902(a) of the Civil Service Reform Act of 1978 (92 Stat. 1223) similarly provides:

(a) Except as otherwise provided in this Act, all executive orders, rules and regulations affecting the Federal service shall continue in effect, according to their terms, until modified, terminated, superseded, or repealed by the President, * * * or the Federal Labor Relations Authority with respect to matters within their respective jurisdictions. [Emphasis added.]

⁶ Cf. Federal Labor Relations Authority, *Practices Under the Transition Rules and Regulations*, 44 FR 14,634 (1979).

they so desire. Therefore, section 7135(a)(1) fully sanctions such actions by the parties, as those previously described at p. 3, *supra*, where the parties have mutually agreed to continue their existing agreements relating to the revocation of dues assignments. In those instances, the six-month intervals for dues assignments would commonly extend to March 1 or September 1, 1979, and the 1-year period for revocations of such assignments under section 7115(a) of the Statute would apply thereafter, unless the parties further mutually agree to continue or renew their existing agreements in this regard.

However, where a labor organization or an agency objects to the continuation of a provision for the revocation of dues assignments at six-month intervals under an existing collective bargaining agreement, such objection prevents the continuation of that agreement provision under section 7135(a)(1) of the Statute. In this kind of situation, section 7115(a) would apply. That is, a notice of revocation of dues assignment submitted by an employee to an agency on or after January 11, 1979, the effective date of the Statute, would, in the Authority's opinion, be subject to the 1-year period provided for in section 7115(a).

Computation of 1-year period under section 7115(a) of the Statute

In those instances where a labor organization or an agency objects to the continuation of the six-month intervals, the question remains as to when the 1-year period for the revocation of dues assignments under section 7115(a) begins.

In the Authority's view, nothing in the Statute suggests that Congress intended that such 1-year period should begin to run from January 11, 1979, or from the next available six-month revocation date established by the applicable collective bargaining agreement, commonly March 1, 1979. Rather, the Authority believes that the 1-year period provided therein for the revocation of dues assignments begins on either of the following dates, whichever is later:

(a) The ending date of the preceding six-month interval during which the employee could have revoked his or her dues authorization; or (b) The date on

⁷ For example, if the dates of the six-month intervals provided under an existing agreement were March 1 and September 1, and the labor organization or agency objected to the continuation of such provision on February 1, 1979, the 1-year period for the revocation of a dues assignment (concerning which a request for revocation was not submitted before January 11, 1979) would begin on September 1, 1978. The employee could then revoke his or her dues assignment effective at the start of the first full pay period beginning on or after September 1, 1979.

which the employee authorized dues withholding.

Such measurement would avoid extending the period for the revocation of dues assignments beyond the 1-year period established by Congress in section 7115(a) of the Statute.

Conclusion

It is the Authority's interpretation and guidance that:

(1) The requirement of section 7115(a), namely that "any such [dues] assignment may not be revoked for a period of 1 year," does not apply in those situations where the parties to an existing collective bargaining agreement have mutually agreed in substance to renew or continue the six-month intervals for the revocation of dues assignments.

(2) The 1-year period provided in section 7115(a) for dues revocations applies where a labor organization or an agency objects to such a renewal or continuation; and such 1-year period begins to run from either of the following dates, whichever is later:

(a) The ending date of the preceding six-month interval during which the employee could have revoked his or her dues authorization; or

(b) The date on which the employee authorized dues withholding.

This interpretation and guidance constitutes advice to agencies for purposes of paragraph 2 of the Authority's *Notice and Direction* of February 23, 1979, relating to the maintenance of dues assignments in suspense or escrow accounts.

Issued, Washington, D.C., April 19, 1979.

Federal Labor Relations Authority.

Ronald W. Haughton,
Chairman.

Henry B. Frazier III,
Member.

[FLRA No. O-PS-1]

[FR Doc. 79-12609 Filed 4-23-79; 8:45 am]

BILLING CODE 6325-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street,

N.W., Room 10423 or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before May 14, 1979 in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: T-2810-2.

Filing party: Mrs. Jean Rustin, Director of Traffic, Commerce and Development, Tampa Port Authority, 811 Wynkoop Road, P.O. Box 2192, Tampa, Florida 33601.

Summary: Agreement No. T-2810-2, between the Tampa Port Authority and Uiterwyk Cold Storage Corp., amends the basic lease agreement to provide that the Port shall pave .71 acres of land and construct a loading dock within Uiterwyk's leased premises at an estimated cost of \$99,000.00, and that Uiterwyk will amortize all of said costs over a 20 year period.

Agreement No.: T-3079-3.

Filing party: Mrs. Jean Rustin, Director of Traffic, Commerce and Development, George B. Howell Maritime Center, Tampa Port Authority, 811 Wynkoop Road, P.O. Box 2192, Tampa, Florida 33601.

Summary: Agreement No. T-3079-3, between the Tampa Port Authority and Eller & Company, Inc. (Eller), modifies the parties' basic agreement which provides for the 25-year lease to Eller of approximately 8.9 acres of land and 100 feet of public dock apron area located at the Holland Terminal Area, Tampa, Florida. The purpose of the modification is to provide for an enlargement of the leased premises by 4.29 acres as provided for in T-3079, with a corresponding increase in rental of \$9,380.

By order of the Federal Maritime Commission.

Dated: April 18, 1979.

Francis C. Hursey,

Secretary.

[FR Doc. 79-12557 Filed 4-23-79; 8:45 am]

BILLING CODE 6730-01-M

Agreement Filed; Jose Antonio Tulla

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 4, 1979. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No.: T-3597-1.

Filing party: Jose Antonio Tulla, General Counsel, Puerto Rico Ports Authority, G.P.O. Box 2829, San Juan, Puerto Rico 00936.

Summary: Agreement No. T-3597-1, between Puerto Rico Ports Authority and Trailer Marine Transport Corp. (TMT), modifies the parties' basic agreement providing for TMT's preferential use of berthing area and exclusive use of adjacent back-up area at Isla Grande, San Juan, Puerto Rico. The purpose of this amendment is to enlarge TMT's portion of the facility by approximately four acres of adjacent land area and 882.56 square feet of building area for an additional annual rental of \$44,386.93.

By Order of the Federal Maritime Commission.

Dated: April 18, 1979.

Francis C. Hurney,
Secretary.

[FR Doc. 79-12656 Filed 4-23-79; 8:45 am]

BILLING CODE 6730-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was accepted by the Regulatory Reports Review Staff, GAO, on April 17, 1979. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such acceptance.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before May 14, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW., Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Interstate Commerce Commission

The ICC requests clearance for new Form BOp-109, Report of Agency Relationships. The reporting requirements of 49 CFR 1056.19(e) provide a record upon which the Commission can ensure that certificated carriers are delegating the privileges and obligations of their certificates to, and conducting business through, individuals or interests which will provide a transportation service consistent with the public convenience and necessity and the national transportation policy. All motor common carriers holding certificates of public convenience and necessity authorizing the transportation of household goods will be required to file Form BOp-109. Reporting is mandatory and available to the public. The ICC states that once the initial filing is made the only additional filings will

be to amend the original filing or relating to new agents employed after July 1, 1979. The ICC estimates the time required to complete Form BOp-109 will average one hour per response.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 79-12612 Filed 4-23-79; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Colorado; R/W Applications for Pipeline, Northwest Pipeline Corporation

April 16, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corporation, 315 East 200 South, Salt Lake City, Utah 84111, has applied for rights-of-way for 4 1/4" o.d. and 12 3/4 o.d. natural gas pipelines for the Philadelphia Creek and Foundation Creek Gathering Systems approximately 2.998 miles long, across the following Public Lands:

Sixth Principal Meridian, Rio Blanco and Garfield Counties Colorado

T. 2 S., R. 101 W.

Section 4: SE 1/4 SW 1/4

Section 12: S 1/2 NE 1/4, SE 1/4

T. 5 S., R. 104 W.

Section 25: SE 1/4 SW 1/4

Section 34: Lot 4

Section 35: N 1/2 S 1/2, SE 1/4 NE 1/4, SW 1/4 NW 1/4

Section 36: N 1/2 NW 1/4, SW 1/4 NW 1/4

The above-named gathering systems will enable the applicant to collect natural gas in the area through which the pipeline will pass and to convey it to the applicants' customers.

The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of the environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions. (2) To give all interested parties the opportunity to comment on the applications. (3) To allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claims or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on Northwest Pipeline Corporation.

Any comments, claims, or objections must be filed with the Chief, Branch of

Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

Andrew W. Heard, Jr.,

Leader, Craig Team, Branch of Adjudication.

[Colorado 24128n-q and Colorado 25122-l]

[FR Doc. 79-12661 Filed 4-23-79; 8:45 am]

BILLING CODE 4310-84-M

Colorado; Pipeline Compressor Station Application; Rocky Mountain Natural Gas Company

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Rocky Mountain Natural Gas Company, 1600 Sherman Street, Denver, Colorado 80203, has applied for an amendment to its pipeline right-of-way for an addition of a compressor station site totaling approximately 3.31 acres across the following public lands in Rio Blanco County, Colorado:

Sixth Principal Meridian, Colorado

T. 1 N., R. 97 W.

Section 22: SW 1/4 SE 1/4

Section 27: NW 1/4 NE 1/4

The primary purpose for construction of the proposed addition to the applicant's existing pipeline is to enable the applicant to install a compressor with attendant facilities, adjacent flare pit, and a 2-inch relief line to that pit, all necessary for the conveyance of natural gas from the Big Hole, Blue Gravel, Black Sulphur Creek, and Great Divide Natural Gas Fields through the applicant's Big Hole Natural Gas Transmission Line to Northwest Pipeline Corporation's Piceance Creek Natural Gas Transmission Line to serve customers of both corporations in various marketing areas.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application; and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas pipeline compressor station right-of-way to file their objections in this office.

Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy

thereof has been served on the applicant.

Any comment, claim or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

Andrew W. Heard, Jr.,
Leader, Craig Team, Branch of Adjudication.

[Colorado 18423]
[FR Doc. 79-12662 Filed 4-23-79; 8:45 am]
BILLING CODE 4310-84-M

Wyoming; Application

April 16, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Cities Service Gas Company of Oklahoma City, Oklahoma filed an application to amend their right-of-way to re-route a portion of their 20-inch pipe line and to construct a 4-inch pipe line for the purpose of transporting natural gas and water, respectively, across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 21 N., R. 87 W.,
sec. 30, lots 2 and 3.
T. 21 N., R. 90 W.,
sec. 34, E½SW¼.

The purpose of this amendment is to construct a 4-inch pipe line to transport water from an existing well located in NE¼SE¼ of section 5, T. 20 N., R. 90 W., to Cities Service Gas Company's Riner Compressor Site located in SE¼NW¼ of Section 34, T. 21 N., R. 90 W., Carbon County and to re-route a portion of its 20-inch natural gas pipe line located in sec. 30, T. 21 N., R. 87 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

Marla B. Bohl,
Acting Chief, Branch of Lands and Mineral Operations.
[Wyoming 61874 Amendment]
[FR Doc. 79-12663 Filed 4-23-79; 8:45 am]
BILLING CODE 4310-84-M

Wyoming; Application

April 16, 1979.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for a right-of-way to construct, operate, maintain and remove a 4½ inch O.D. buried pipeline and related metering and dehydration facilities for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 13 N., R. 101 W.,
sec. 34, NE¼SE¼ and S½S½.

The proposed pipeline will transport natural gas from the Canyon Creek 16-34 well located in the SW¼SW¼ of section 34 to a point of connection with existing pipeline facilities located in the NE¼SE¼ of section 34, all within T. 13 N., R. 101 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 N., P.O. Box 1869, Rock Springs, Wyoming 82901.

Marla B. Bohl,
Acting Chief, Branch of Lands and Minerals Operations.
[W-66918]
[FR Doc. 79-12664 Filed 4-23-79; 8:45 am]
BILLING CODE 4310-84-M

Public Meeting; Phosphate Leasing on the Osceola National Forest, Fla.

Notice is hereby given that the Department of the Interior will hold a public meeting on the Draft Environmental Statement Supplement (DES 79-17) on Phosphate Leasing on the Osceola National Forest, Florida. The supplement updates the Final Environmental Statement on Phosphate Leasing on the Osceola National Forest (FES 74-37), issued in June 1974.

The public meeting will be held in the City Auditorium, 150 North Alachua Street, Lake City, Florida, at 7:00 p.m. on Wednesday, May 9, 1979. (Please note that the time of this meeting is 7:00 p.m., rather than 7:30 p.m., as given in the

Federal Register notice of April 13, 1979.)

Claude A. Martin,
Acting Director, Eastern States.
[FR Doc. 79-12614 Filed 4-23-79; 8:45 am]
BILLING CODE 4310-84-M

Endangered Species Permit; Receipt of Application

Applicant: Joseph A. DeSarro, South Fork Star Route, Cody, Wyoming 82414.

The applicant requests a permit to obtain four pairs of nene (*Branta sandvicensis*) in interstate commercial activity for propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-4103. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before May 24, 1979. Please refer to the file number when submitting comments.

Dated: April 12, 1979.

Donald C. Donahoe,
Chief, Permit Branch, Federal Wildlife Permit Office U.S. Fish and Wildlife Service.
[FR Doc. 79-12550 Filed 4-23-79; 8:45 am]
BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: Missouri Cooperative Wildlife Research Unit, University of Missouri, 112 Stephens Hall, Columbia, Missouri 65211.

The applicant requests a permit to capture 30 Hawaiian hawks (*Buteo solitarius*) for banding and attachment of radio transmitters, closely observe (harass) hawks' nests and to collect blood samples—all for scientific research.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-4108. Interested persons may comment on this

application by submitting written data, views, or arguments to the Director at the above address on or before May 24, 1979. Please refer to the file number when submitting comments.

Dated: April 12, 1979.

Donald C. Donahoo,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S.
Fish and Wildlife Service.

[FR Doc. 79-12551 Filed 4-23-79; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: Alan M. Springer, Bodega Marine Laboratory, P.O. Box 247, Bodega Bay, California 94923.

The applicant requests an amendment to his permit for other research with this species to capture peregrine falcons (*Falco peregrinus anatum* and *F. p. tundrius*) in Alaska for banding and release for scientific purposes.

Humane care and treatment during handling has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-809, Amendment No. 1. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before May 24, 1979. Please refer to the file number when submitting comments.

Dated: April 13, 1979.

Donald C. Donahoo,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S.
Fish and Wildlife Service.

[FR Doc. 79-12552 Filed 4-23-79; 8:45 am]

BILLING CODE 4310-55-M

Threatened Species Permit, Receipt of Application; Correction

On Thursday, April 10, 1979, a Notice of Receipt of Application for Captive Self-Sustaining Population permits was published in the Federal Register, Volume 44, Number 70, page 21382. The following correction should be made. One of the applicants, Victor M. Huddleston, 17165 Old Jamestown Rd., Florissant, Missouri, was incorrectly listed as having permit file number PRT 2-4242. The correct file number is PRT 2-4042.

Dated: April 17, 1979.

Donald C. Donahoo,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S.
Fish and Wildlife Service.

[FR Doc. 79-12549 Filed 4-23-79; 8:45 am]

BILLING CODE 4310-55-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before April 13, 1979. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by May 4, 1979.

William J. Murtagh,
Keeper of the National Register.

ALASKA

Haines Division

Klukwan vicinity, *Pleasant Camp*, S of Klukwan on Haines Hwy.

CONNECTICUT

Hartford County

Enfield, *Enfield Historic District*, 1106-1492 Enfield St.

Suffield, *Suffield Historic District*, irregular pattern along Main St.

West Hartford, *Spanish House, The (Grace M. Spear Lincoln House)* 46 Fernwood Rd.

New London County

Sprague, *Ashlawn (Joshua Perkins House)* 1 Potash Hill Rd.

ILLINOIS

Calhoun County

Brussels vicinity, *Golden Eagle-Toppmeyer Site*

Hamburg Vicinity, *Schudel No. 2 Site*

Cook County

Chicago, *Balaban and Katz Chicago Theatre*, 175 N. State St.

Whiteside County

Sterling Vicinity, *McCune Mound and Village Site*

INDIANA

Noble County

Ligonier, *Straus, Jacob, House (Louis Levy House)* 210 S. Main St.

Shelby County

Shelbyville, *Hamilton, John, House*, 132 W. Washington St.

IOWA

Hamilton County

Webster City, *U.S. Post Office*, 801 Willson Ave.

KENTUCKY

Nicholas County

Carlisle, *Louisville and Nashville Passenger Depot*, Market and Locus Sts.

LOUISIANA

East Baton Rouge Parish

Baton Rouge, *Beauregard Town Historic District*, LA 73

MASSACHUSETTS

Bristol County

Fairhaven, *Sawin, Ezekiel, House (Howland House)* 44 William St.

Middlesex County

Cambridge, *Hooper-Lee-Nichols House*, 159 Brattle St.

Worcester County

Fitchburg, *Calvdnistic Congregational Church*, 820 Main St.

MICHIGAN

Lake County

Idlewild, *Idlewild Historic District*, U.S. 10

Wayne County

Detroit, *First Congregational Church*, 33 E. Forest St.

MISSISSIPPI

Adams County

Natchez, *Smart-Griffin House*, 180 St. Catherine St.

MONTANA

Lincoln County

Libby vicinity, *Kootenai Falls Archeological District*, 11 mi. (17.6 km) W of Libby on U.S. 2

Powell County

Deer Lodge, *Coleman, William E., House*, 500 Missouri Ave.

NEBRASKA

Jefferson County

Endicott vicinity, *Rock Creek Road Ranch Site*, NE of Endicott

Lancaster County

Lincoln, *Burr Block*, 1206 O St.

NEW JERSEY

Cape May County

Cape May Court House, *Holmes, John, House*, U.S. 9

Mercer County

Trenton, *Henry Clay and Bock and Company Ltd. Cigar Factory*, 507 Grand St.

NORTH CAROLINA*Alamance County*

Burlington, *St. Athanasius Episcopal Church and Parish House and the Church of the Holy Comforter*, 300 E. Webb Ave. and 320 E. Davis St.

Guilford County

Greensboro, *Green Hill Cemetery Gatekeeper's House*, 700 Battleground Ave. Greensboro, *Ireland, Charles H., House*, 602 W. Friendly Ave.

Richmond County

Rockingham, *Manufacturers Building*, 220 E. Washington St.

Wake County

Cary, *Page-Walker Hotel*, 119 Ambassador St.

Wayne County

Goldsboro, *First Presbyterian Church (Church of Christ, Scientist)*, 111 W. Ash St.

RHODE ISLAND

Newport County, *SNOWPORT, Miantonomi Memorial Park*, between Hillside and Girard Aves. (boundary increase)

Providence County

Johnston, *Hughes, Thomas H., House*, 423 Central Ave.
Providence, *Dyerville Mill*, 610 Manton Ave.

TEXAS*Bexar County*

San Antonio, *Alamo Methodist Church*, 1150 S. Alamo St.
San Antonio, *Main and Military Plazas Historic District*, roughly bounded by San Antonio River, E. Nueva, Lorado and Houston Sts.

Harris County

Houston, *Autry, James L., House*, 5 Courtlandt Pl.
Houston, *Carroll, J. J., House*, 16 Courtlandt Pl.
Houston, *Cleveland, A. S., House*, 8 Courtlandt Pl.
Houston, *Donoghue, Thomas J., House*, 17 Courtlandt Pl.
Houston, *Dorrance, John M., House*, 9 Courtlandt Pl.
Houston, *Jones-Hunt House*, 24 Courtlandt Pl.
Houston, *Myer, Sterling, House*, 4 Courtlandt Pl.
Houston, *Neuhaus, C. L., House*, 6 Courtlandt Pl.
Houston, *Parker, John W., House*, 2 Courtlandt Pl.
Houston, *Taylor, Judson L., House*, 20 Courtlandt Pl.

UTAH*Millard County*

Millard vicinity, *Archeology Site No. 42M300*

Salt Lake County

Salt Lake City, *Anselmo, Fortunato, House*, 164 S. 900 East St.

Salt Lake City, *Oakwood*, 2610 Evergreen Ave.

San Juan County

Blanding vicinity, *Big Westwater Ruin*, W of Blanding

Utah County

Provo, *Allen, Dr. Samuel H., House and Carriage House*, 135 E. 200 North

Wasatch County

Midway, *Wootton, Atlewall, Jr., House*, 270 E. Main St.

WASHINGTON*Pacific County*

Klipsan Beach, *Klipsan Beach Life Saving Station*, WA 103

WISCONSIN*Rock County*

Centric Barns Thematic Group
[FR Doc 79-12256 Filed 4-23-79; 8:45 am]
BILLING CODE 4310-03-M

Office of the Secretary**Colorado: Closed Basin Division—San Luis Valley Project; Availability of Draft Environmental Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the closed Basin Division—San Luis Valley Project, Colorado.

The environmental statement concerns a multiple-purpose water resource project designed to deliver water to the Rio Grande and to provide for waterfowl management and stabilization of San Luis Lake water levels. Pumping of the shallow ground water will be through a system of well fields developed in four stages over a period of about 16 years. Written comments may be submitted to the Regional Director (address below) within 45 days of this notice.

Copies are available for inspection at the following locations:

Office of Environmental Affairs, Room 7622, Bureau of Reclamation, Department of the Interior, Washington, DC 20240, Telephone (202) 343-4991.

Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Denver Federal Center, Denver, CO 80225, Telephone (303) 234-3006.

Office of the Regional Director, Bureau of Reclamation, Herring Plaza, Box H-4377, Amarillo, TX 79101, Telephone (806) 376-2404.

Albuquerque Planning Office, Bureau of Reclamation, P.O. Box 252,

Albuquerque, NM 87103, Telephone (505) 766-2272.

Ben F. Morrison, civil Engineer, Bureau of Reclamation, P.O. Box 449, Alamosa, CO 81101, Telephone (303) 589-5242.

Carnegie Public Library, 120 Jefferson, Monte Vista, CO 81144.

Adams State College Library, Alamosa, CO 81101.

Library Center Branch, 400 South Worth, Center, CO 81125.

Public Library, 416 Gasper, San Luis, CO 81152.

Ruth Tabor Memorial Library, South Fork, CO 81154.

Southern Peaks Library, 424 Fourth, Alamosa, CO 81101.

Del Norte Public Library, Del Norte, CO 81132.

Saguache County Public Library, Saguache, CO 81149.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation, Regional Director, Albuquerque Planning Office, or Ben Morrison, Alamosa, Colorado. Please refer to the statement number above.

Dated: April 19, 1979.

Larry E. Melerotto,
Assistant Secretary of the Interior.

[U-T DES 79-20]

[FR Doc. 79-12635 Filed 4-23-79; 8:45 am]

BILLING CODE 4310-09-M

DEPARTMENT OF LABOR**Employment and Training Administration****Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications**

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to

believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).
5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this 18th day of April 1979.

Ernest G. Green,
Assistant Secretary for Employment and Training.

**Applications Received During the Week Ending
April 18, 1979**

Name of Applicant and Location of Enterprise	Principal Product or Activity
Jones-Normel Foods, Inc., Weston, Oreg.	Processing and freezing vegetables

[FR Doc. 79-12840 Filed 4-23-79; 8:45 am]

BILLING CODE 4510-30-M

Proposed Job Corps Center at the U.S. Shoe Co.; Determination of Negative Environmental Impact

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice-Finding of Negative Environmental Impact.

SUMMARY: The purpose of this notice is to announce a determination by the Department under the National Environmental Policy Act and 40 CFR Part 1500 that the establishment of a Job Corps Center at the U.S. Shoe Company site, Prestonsburg, Kentucky, will not constitute a major Federal action which will significantly affect the environment.

FOR FURTHER INFORMATION: Contact Raymond E. Young, Director, Office of Job Corps and Young Adult Conservation Corps, Room 6100, Patrick Henry Building, 601 D Street NW., Washington, D.C. 20213, Telephone: (202) 376-6995.

SUPPLEMENTARY INFORMATION: Title IV, Part B of the Comprehensive Employment and Training Act (CETA), as amended, 29 U.S.C. § 923 *et seq.*, directs the Secretary of Labor to establish Job Corps centers to provide occupational training to disadvantaged youths ages 14 through 21. Regulations pertaining to the Job Corps program are published at 29 CFR Part 97a. Pursuant to his authority, the Secretary is planning to establish a Job Corps Center at the former U.S. Shoe Company site.

Pursuant to 40 CFR Part 1500, the Department of Labor has conducted an environmental assessment as part of a site utilization study and has determined that preparation of an environmental impact statement is not required since the establishment of this Job Corps Center is not a major Federal action which will significantly affect the quality of the human environment within the meaning of 40 CFR § 1500.6(c). The proposed Prestonsburg Job Corps Center will be a training center with residential, nonresidential and educational facilities for

approximately 165 disadvantaged youth, men and women, ages 16 through 21, who need and can benefit from intensive employment-related services. The function of the center and the staff of approximately 55 will be to provide skill training in selected vocational courses and continuing and/or remedial education in academic subjects.

The proposed use of the facility is intended for residential living and education.

The center will be a self-contained facility located approximately one mile from the downtown area. The site surveyed for use by Job Corps consists of one building on 12.8 acres of land.

Water is provided to the site from the city of Prestonsburg in a 12 inch main, and is of adequate pressure. Sanitary sewer services is provided to the site by the Kentucky Power Company.

The proposed Job Corps Center will be operated in compliance with Job Corps Environmental Standards published at 29 CFR 97a.116, and with applicable Federal, State and local regulations concerning environmental health.

The proposed Job Corps Center will comply with the water quality, and related standards of the State and local government, and with the standards established pursuant to the Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.*, with Executive Order 11752, and with regulations and guidelines of the United States Environmental Protection Agency.

The center installation will be designed, operated, and maintained so as to conform with Federal air quality standards, including those found in Executive Order 11752.

My determination is that the establishment and operation of the Center will have no adverse impact upon traffic, transportation systems, pedestrian or vehicular congestion, police protection services, fire protection services, public safety, legal services, or upon the aesthetics or residential quality of the nearby area. I further determine that the establishment and operation of the Center will have no adverse effects upon ecological systems, population distribution, air or water pollution, municipal services, or health or life support systems. Accordingly, I hereby determine that the establishment of such Job Corps Center will not have a significant adverse impact upon the quality of the human environment of the nearby area, or the greater Prestonsburg community.

The Job Corps Center will be operated with the pass-leave procedures required by Job Corps Regulations and operational procedures. I find that in light of the enrollment level and utilization of the pass-leave procedures, that congestion in the area will not increase.

There will be no material impact upon transportation or traffic within the area.

It is further determined that the establishment and operation of the Center is not likely to have a significant adverse impact upon use of police services.

Adequate provisions are planned to carefully screen prospective enrollees as to minimize the possibility of disciplinary problems, or problems with possible Center related public safety.

Adequate staffing personnel and protection will be provided at the Prestonsburg Job Corps Center in accordance with Job Corps' operating procedures and regulations.

I further find that fire protection services in the area will not be adversely affected and that systems in the facilities will be upgraded to further reduce risk of fire from the present risk level.

Additionally, local health services will not be adversely affected because basic dental, medical and other health related services will be provided on site with Job Corp's own facilities and personnel.

In conclusion, it is my determination, after careful review and consideration of the nature of Job Corps' proposed action, in light of Job Corps' purposes, objectives and operational procedures, that the impact upon the surrounding community, of the establishment of the Center at the site will not be significant. It is my careful determination that the environmental assessment conducted by the Department of Labor, pursuant to 40 CFR Part 1500, clearly indicates that preparation of an environmental impact statement is not required since the establishment of the Job Corps Center is not a major Federal action which will significantly affect the quality of the human environment within the meaning of 40-CFR 1500.6(c).

Signed at Washington, D.C. this 30th day of March, 1979:

Raymond E. Young,

Director, Office of Job Corps and Young Adult Conservation Corps.

[FR Doc. 79-12704 Filed 4-23-79; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

Climax Molybdenum Co.; Petition for Modification of Mandatory Safety Standard Application

Climax Molybdenum Company, 13949 W. Colfax Avenue, Golden, Colorado 80401, has filed a petition to modify the application of 30 CFR 57.12-13 (electrical splices) to its Climax Mine located in Lake County, Colorado. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977 Pub. L. 95-164.

The substance of the petition follows:

1. The petitioner uses open-air, T-tap splices to connect the power wires from its slusher motors to power cables running through its underground production drifts.

2. The T-tap splices consist of three individual power conductor wire connections.

3. Each of these connections is wrapped with three different kinds of tape: Scotch fill tape, Okonite #35 rubber tape, and Scotch wrap tape. The fill tape provides a close bond around the wires in each set and provides moisture and insulation protection, the rubber tape also provides moisture and insulation protection, and the outside layering of wrap tape provides primarily insulation protection.

4. The combined dielectric strength of the three tapes used in the T-tap splices is 71,875 volts.

5. The petitioner states that its T-tap splices (about 1,000 in number) are mechanically strong, insulated to exclude moisture, and provide damage protection consistent with the requirements of the standard.

6. The T-tap splices are made to cables hung about eight feet from the mine floor in such a manner that individuals cannot come into contact with the splices nor will moisture penetrate the insulation of the splices.

7. In addition, the petitioner claims that its T-tap splices have the following advantages over the splices required by the standard:

a. The number of phase-to-phase faults is reduced because T-tap splices are more capable of withstanding the concussion effect of secondary blasting, which occurs on a regular basis in areas adjacent to the splices.

b. Fire hazards are decreased because open-air, T-tap splices allow better dissipation of heat levels within a splice.

c. Detection of impending faults is easier with T-tap splices than with a larger, enclosed bundle of wires.

8. The petitioner states that its T-tap splices achieve no less than the same

measure of protection provided its miners by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before May 24, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: April 13, 1979.

Robert B. Legalber,

Assistant Secretary for Mine Safety and Health.

[Docket No. M-79-10-M]

[FR Doc. 79-12701 Filed 4-23-79; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Approval of Utah State Standards

1. *Background.* Part 1953 of title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under the delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On January 10, 1973, notice was published in the Federal Register (38 FR 1178) of the approval of the Utah Plan and the adoption of Subpart E to Part 1952 containing the decision.

The Utah Plan provides for the adoption of Federal Standards as State Standards by:

(1) Advisory Committee recommendation.

(2) Publication in newspapers of general/major circulation with a 30-day waiting period for public comment and hearing(s).

(3) Commission order adopting the standards and designating an effective date.

(4) Providing certified copies of Rules and Regulations or Standards to the Office of the State Archivist.

Section 1952.113 of Subpart E sets forth the State's schedule for adoption of Federal Standards. By letter dated March 3, 1979, from Ronald L. Joseph, Administrator, Utah Occupational Safety and Health Division, to Curtis A.

Foster, Regional Administrator, and incorporated as part of the Plan, the State submitted rules and regulations concerning 29 CFR 1910.1045 Occupational Exposure to Acrylonitrile (Vinyl Cyanide), 29 CFR 1910.19, Special Provisions for Air Contaminants, § 1910.1045(c) Acrylonitrile and 29 CFR 1910.1000, Air Contaminants Table Z-1, deleting the line "Acrylonitrile—20—50 from table Z-1, 43 FR 45810, Tuesday, October 3, 1978. These standards, which are contained, in the Utah Occupational Safety and Health Rules and Regulations for General Industry, were promulgated per the requirements of Utah Code annotated 1953, Title 63-46-1, and in addition, published in newspaper of general/major circulation throughout the State. No public comment was received and no hearings held.

The Standards for 29 CFR 1910.1045 Occupational Exposure to Acrylonitrile (Vinyl Cyanide), 29 CFR 1910.19, Special Provisions for Air Contaminants, § 1910.1045(c) Acrylonitrile and 29 CFR 1910.1000, Air Contaminants, Table Z-1, deleting the line "Acrylonitrile—20—50 from table Z-1, were adopted by the Industrial Commission of Utah, Archives File Number 3137 on January 26, 1979, pursuant to Title 35-9-6 Utah Code annotated 1953.

2. *Decision.* The State submission having been reviewed in comparison with the Federal Standards, it has been determined that the State Standards are identical to the Federal Standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Room 1554, Federal Office Building, 1961 Stout Street, Denver, Colorado, 80294; Utah State Industrial Commission, UOSHA Offices at 448 South 400 East, Salt Lake City, 84111; and the Technical Data Center, Room N2439R, 3rd and Constitution Avenue, N.W., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Utah State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The Standards were adopted in accordance with the procedural requirements of State law which permitted public comments, and further public participation would be repetitious.

This decision is effective April 24, 1997.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 [29 U.S.C. 667])

Signed at Denver, Colorado, this 26th day of March 1979.

Curtis A Foster,

Regional Administrator.

[FR Doc. 79-12703 Filed 4-23-79; 8:45 am]

BILLING CODE 4510-26-M

Office of the Secretary

Atlantic Steel Castings, Inc.; Negative Determination Regarding Application for Reconsideration

On March 1, 1979, the petitioning union requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers of Atlantic Steel Castings, Inc., Chester, Pennsylvania. The determination was published in the Federal Register on February 13, 1979 (44 FR 9443).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The petitioning union claims that Atlantic has many customers who import steel castings and one of them has a worker group which has received a certification to apply for trade adjustment assistance. The petitioning union supplied a further list of customers which placed orders with the subject firm in 1977, 1978 and 1979. The petitioning union further claims that Atlantic Steel Castings does substantial subcontracting work which is the basis of their petition.

The Department's review revealed that the Trade Act criterion that increased imports contributed importantly to worker separations was not met. The Department's survey of Atlantic's customers revealed that those

responding represented over 80 percent of Atlantic's sales in 1978. Only one customer had a decline of any consequence in its purchases of steel castings from Atlantic and a concomitant increase of imports. This customer turned to foreign sources for some of its steel castings because of a need for particular sizes not produced by Atlantic. Reduced sales to another customer, which increased purchases of foreign castings, represented an insignificant part of Atlantic's sales decline in 1977. That customer increased purchases from Atlantic in 1978. All of the customers surveyed appeared on the union's list of customers. U.S. imports of steel castings constituted less than 1.5 percent of domestic production from 1974 through 1977.

The Department does not consider the petitioning union's claim of supplying steel castings or even doing subcontracting for a firm which has a worker group under a trade adjustment assistance certification, on its own, as relevant for rebutting the basis of the Department's denial. The subcontracting work represents an insignificant share of Atlantic's overall activity. Further, the decline in 1977 of purchases by that customer represented an insignificant part of Atlantic's overall sales decline.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 13th day of April 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[TA-W-4452]

[FR Doc. 79-12682 Filed 4-23-79; 8:45 am]

BILLING CODE 4510-28-M

Boot-Ster Manufacturing Co., Inc.; Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4895: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 7, 1979 in response to a worker petition received on March 1, 1978 which was filed on behalf of workers and former workers producing ladies'

casual shoes at Boot-Ster Manufacturing Company, Incorporated, Clarksville, Tennessee.

The Notice of Investigation was published in the Federal Register on March 20, 1979 (44 FR 16972). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Boot-Ster Manufacturing Company, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of women's and misses' nonrubber footwear increased from 204.4 million pairs in 1977 to 225.9 million pairs in 1978. The ratio of imports to domestic production increased from 134.6 percent in 1977 to 145.0 percent in 1978.

Company imports of ladies' shoes increased in 1978 compared to 1977. A departmental survey of a sample of Boot-Ster Manufacturing's customers revealed that most increased purchases of imported ladies' shoes and decreased purchases from Boot-Ster.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' casual shoes produced at Boot-Ster Manufacturing Company, Incorporated, Clarksville, Tennessee contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Boot-Ster Manufacturing Company, Incorporated, Clarksville, Tennessee who became totally or partially separated from employment on or after February 20, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of April 1979.

James F. Taylor,
Director, Office of Management, Administration, and Planning.

[TA-W-4895]

[FR Doc. 79-12683 Filed 4-23-79; 8:45 am]

BILLING CODE 4510-28-M

Conseco, Inc.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4772: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 1, 1979 in response to a worker petition received on January 22, 1979 which was filed by the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers of America, on behalf of workers and former workers producing various fabricated metal products at Conseco, Incorporated, San Leandro, California.

The Notice of Investigation was published in the Federal Register on February 9, 1979 (44 FR 8381). No public hearing was requested and none was held.

The determination was based upon information obtained principally from a former consultant to Conseco, Incorporated, firms which had solicited bids for fabricated metal products, the Steel Plate Fabricators Association, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Results of a U.S. Department of Labor survey indicated that firms which had solicited bids for fabricated metal products in 1977 and 1978 reported that none of the bids lost by Conseco were won by foreign firms.

Conclusion

After careful review, I determine that all workers of Conseco, Incorporated, San Leandro, California are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of April 1979.

James F. Taylor,
Director, Office of Management, Administration, and Planning.

[TA-W-4772]

[FR Doc. 79-12684 Filed 4-23-79; 8:45 am]

BILLING CODE 4510-28-M

Delton, Limited, and George Heller, Inc.; Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4748 & 4748A: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 26, 1979, in response to a worker petition received on January 22, 1979 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing tailored clothing for men at Delton, Limited, New York, New York. The investigation was expanded to include George Heller, Incorporated, New York, New York, a division of Delton, Limited. Delton produces primarily men's sportcoats and Heller produces primarily men's trousers.

The Notice of Investigation was published in the Federal Register on February 2, 1979 (44 FR 6798-99). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Delton, Limited and George Heller, Incorporated, their customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' tailored dress coats and sportcoats decreased absolutely and relatively in 1977 compared to 1976 and then increased absolutely in 1978 compared to 1977.

U.S. imports of men's and boys' dress and sport trousers and shorts increased absolutely in 1977 compared to 1976 and increased absolutely in 1978 compared to 1977.

A Departmental survey revealed that customers constituting a significant proportion of the decline in Delton's sales from 1977 to 1978 increased their

purchases of imported sportcoats during the same period. The survey also revealed that customers representing a significant proportion of the decline in sales of men's trousers from the George Heller division of Delton from 1977 to 1978 increased their purchases of imported men's trousers during the same time period.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's sportcoats and men's trousers produced at Delton, Limited, New York, New York, and George Heller, Incorporated, New York, New York respectively contributed importantly to the decline in sales or production and to the total or partial separation of workers of those firms. In accordance with the provisions of the Act, I make the following certification:

All workers of Delton, Limited, New York, New York, who became totally or partially separated from employment on or after January 18, 1978; and all workers of George Heller, Incorporated, New York, New York, who became totally or partially separated from employment on or after November 1, 1978, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of April 1979.

James F. Taylor,
Director, Office of Management, Administration, and Planning.

[TA-W-4748 and 4748A]
[FR Doc. 79-12685 Filed 4-23-79; 8:45 am]
BILLING CODE 4510-28-M

Duncan Fox Industrial Sales, Inc.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4861: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 28, 1979 in response to a worker petition received on February 22, 1979 which was filed on behalf of workers and former workers who purchase and sell textile machinery at Duncan Fox Industrial Sales, Incorporated, Freehold, New Jersey.

The Notice of Investigation was published in the Federal Register on March 9, 1979 (44 FR 13095). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Duncan Fox Industrial Sales, Incorporated, Freehold, New Jersey, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. The Department has determined that services are not "articles" within the meaning of Section 222 of the Act.

Duncan Fox Industrial Sales, Incorporated was founded in 1974 and incorporated in the state of New Jersey. The company is a wholly-owned subsidiary of Duncan Fox and Company, Limited, Leicester, England. Duncan Fox Industrial Sales, Incorporated purchases cutting machines for the textile industry from foreign sources, then sells, installs, and services the machines.

The petition alleges that increased imports of knitted sweaters contributed importantly to the decline in sales of cutting machines sold by Duncan Fox Industrial Sales, Incorporated, Freehold, New Jersey. However, Duncan Fox Industrial Sales, Incorporated produces neither knitted sweaters nor cutting machines. Duncan Fox Industrial Sales, Incorporated is not involved in the production of an article within the meaning of Section 222(3) of the Act.

Since Duncan Fox Industrial Sales, Incorporated does not produce an article within the meaning of Section 222(3) of the Act, its workers may be certified only if their separations were caused by a reduced demand for their services from either a parent firm or from a firm otherwise related to Duncan Fox Industrial Sales, Incorporated by ownership. In either case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports. The parent firm of Duncan Fox Industrial Sales, Incorporated, however, does not produce an article.

Conclusion

After careful review, I determine that all workers of Duncan Fox Industrial Sales, Incorporated, Freehold, New Jersey, are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of April 1979.

James F. Taylor,
Director, Office of Management, Administration and Planning.

[TA-W-4861]
[FR Doc. 79-12686 Filed 4-23-79; 8:45 am]
BILLING CODE 4510-28-M

Farah Manufacturing Co., Inc.; Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4815: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 15, 1979 in response to a worker petition received on February 12, 1979 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's and boys' pants, vests and sport coats at Farah Manufacturing Company, Incorporated, El Paso, Texas. The investigation revealed that the plant also produces men's and boys' jeans, walking shorts and shirt jackets.

The Notice of Investigation was published in the Federal Register on February 27, 1979 (44 FR 11140). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Farah Manufacturing Company, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' dress and sport trousers and shorts increased absolutely in each year from 1976 through 1978.

U.S. imports of men's and boys' woven cotton and man-made jeans and dungarees increased absolutely in each year from 1976 through 1978 and increased relative to domestic production from 1976 to 1977. The import-to-domestic production ratio is not currently available for 1978.

Evidence developed during the course of the investigation revealed that men's slacks and jeans represented the

majority of production at Farah Manufacturing Company, Incorporated.

A Departmental survey of Farah's customers indicated that customers increased their purchases of imported men's and boy's slacks and jeans and decreased their purchases of men's and boy's slacks and jeans from Farah from 1976 to 1977 and from 1977 to 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's and boys' slacks and jeans produced at Farah Manufacturing Company, Incorporated, El Paso, Texas contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Farah Manufacturing Company, Incorporated, El Paso, Texas who became totally or partially separated from employment on or after February 7, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 16th day of April 1979.

Gloria S. Pratt,

Director, Office of Foreign Economic Policy.

[TA-W-4815]

[FR Doc. 79-12687 Filed 4-23-79; 8:45 am]

BILLING CODE 4510-28-M

Freeland Sportswear Co.; Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4915: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 12, 1979 in response to a worker petition received on March 5, 1979 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers who produced men's outerwear (and some women's) at the Freeland Sportswear Company, Freeland, Pennsylvania. The Department's investigation revealed that the company produced primarily men's outerwear.

The Notice of Investigation was published in the Federal Register on March 23, 1979 (44 FR 17835). No public hearing was requested and none was held.

The determination was based upon information obtained principally from

officials of Freeland Sportswear Company, its customers (manufacturers), Local 134C of the ACTWU, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

The men's outerwear produced at Freeland Sportswear Company is included in two import and production categories: Men's and Boys' Woven Sport Shirts and Men's and Boys' Non-tailored Outer Jackets. U.S. imports of Men's and Boys' Woven Sport Shirts increased both absolutely and relative to domestic production in 1977 compared to 1976, and increased absolutely in 1978 compared to 1977. U.S. imports of Men's and Boys' Non-tailored Outer Jackets increased both absolutely and relative to domestic production in 1977 compared to 1976 and increased absolutely in 1978 compared to 1977.

The Department conducted a survey of the major customers of the Freeland Sportswear Company. The survey revealed that customers who represented a major portion of the firm's sales, decreased purchases from the subject firm and increased purchases of imported men's outerwear in 1978 compared to 1977.

Conclusion

After careful review of the facts obtained in the investigation, I concluded that increased imports of articles like or directly competitive with the men's outerwear produced at the Freeland Sportswear Company, Freeland, Pennsylvania contributed importantly to the decline in sales or production and to the total or partial separation of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Freeland Sportswear Company, Freeland, Pennsylvania, who became totally or partially separated from employment on or after March 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of April 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[TA-W-4915]

[FR Doc. 79-12688 Filed 4-23-79; 8:45 am]

BILLING CODE 4510-28-M

Goodyear Tire & Rubber Co.; Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4803: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 12, 1979 in response to a worker petition received on February 8, 1979 which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America, International Union on behalf of workers and former workers producing heels and soles, soling slabs at the Windsor, Vermont plant of Goodyear Tire & Rubber Company, Incorporated (Graphic & Shoe Products Division).

The Notice of Investigation was published in the Federal Register on February 27, 1979 (44 FR 10799). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Goodyear Tire & Rubber Company, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Goodyear Tire & Rubber Company (Graphic & Shoe Products Division), Windsor, Vermont produces heels, soles, and soling slabs. The petitioners allege that increased imports of non-leather footwear contributed importantly to the decline in sales or production and to the separations of workers at Goodyear Tire & Rubber Company, Incorporated (Graphic & Shoe Products Division), Windsor, Vermont.

Imported non-rubber footwear cannot be considered to be like or directly competitive with heels, soles, and soling slabs. Imports of bottomstock must be considered in determining import injury to workers producing heels, soles, and

soling slabs at Goodyear Tire & Rubber Company (Graphic & Shoe Products Division), Windsor, Vermont.

U.S. imports of bottomstock increased from 10,300,000 lbs. in 1977 to 10,500,000 lbs. in 1978.

Customers who were surveyed indicated that they decreased purchases of heels, soles, and soling slabs from the subject firm and increased their reliance on foreign sources for these same articles in 1978 compared with 1977.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with heels, soles and soling slabs produced at the Windsor, Vermont plant of Goodyear Tire & Rubber Company, Incorporated (Graphic & Shoe Products Division), contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Windsor, Vermont plant of Goodyear Tire & Rubber Company, Incorporated (Graphic & Shoe Products Division) who became totally or partially separated from employment on or after July 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of April 1979.

Harry J. Gilman,
Supervisory International Economist, Office of Foreign Economic Research.

[TA-W-4893]
[FR Doc. 79-12689 Filed 4-23-79; 8:45 am]
BILLING CODE 4510-28-M

Jonathan Logan, Inc.; Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4699: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 15, 1979 in response to a worker petition received on January 9, 1979 which was filed on behalf of workers and former workers producing samples of ladies' pantsuits and dresses at Jonathan Logan, Incorporated, North Bergen, New Jersey. The investigation revealed that the name of the North Bergen, New Jersey plant is the Jonathan Logan Dress Division of Jonathan Logan, Incorporated and that the plant

produces all Jonathan Logan Dress division garments which include ladies' dresses, pantsuits, blouses, sweaters, shirts, skirts, pants and blazers.

The Notice of Investigation was published in the Federal Register on January 26, 1979 (44 FR 5533). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Jonathan Logan, Incorporated, its customers, its workers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's blouses and shirts increased absolutely in each year from 1974 through 1978 compared to the preceding year. The import to domestic production ratio increased from 54.6 in 1974 to 69.7 in 1977.

U.S. imports of women's, misses' and children's coats and jackets increased absolutely in each year from 1974 through 1978 compared to the preceding year. The import to domestic production ratio increased each year from 1974 through 1977 compared to the preceding year.

U.S. imports of women's, misses' and children's skirts increased absolutely in 1978 compared with 1977 and during 1978 were higher than any year from 1974 through 1977. The import to domestic production ratio is not yet available for 1978.

U.S. imports of women's, misses' and children's suits, including pantsuits and jumpsuits, increased absolutely in 1978 compared to 1977.

U.S. imports of women's, misses', and children's slacks and shorts increased absolutely in each year from 1974 through 1978 compared to the preceding year. The import to domestic production ratio also increased each year from 1974 through 1977 compared to the preceding year.

U.S. imports of women's and misses' dresses increased absolutely in 1978 compared to 1977.

U.S. imports of women's, misses' and children's sweaters increased each year from 1974 through 1976 compared with each preceding year. Imports of sweaters in 1977 were higher than the average level of imports for the years 1974 through 1976. The ratio of imports of sweaters to domestic production

exceeded 140 percent in 1976 and 1977 and the import to domestic production (IP) ratio in 1977 was higher than the average IP ratio for the prior 1974 through 1976. The import to domestic production ratio is not currently available for 1978.

A Departmental survey was conducted with retail customers of Jonathan Logan Dress Division. The survey revealed that customers, who decreased their purchases from the Jonathan Logan Dress Division, increased their purchases of imported ladies' blouses, jackets, skirts, pantsuits, dresses and sweaters from 1976 to 1977 and from 1977 to 1978.

Customers responding to the survey showed an increasing reliance, in aggregate, on foreign sources for their purchases of blouses, jackets, skirts, dresses, slacks and sweaters in 1977 compared to 1976 and in the first three quarters of 1978 compared to the same period of 1977.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' dresses and pantsuits, including blouses, sweaters, skirts, shirts, and blazers, produced at Jonathan Logan Dress Division, North Bergen, New Jersey contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Jonathan Logan Dress Division, North Bergen, New Jersey, a division of Jonathan Logan, Incorporated, who became totally or partially separated from employment on or after December 27, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of April 1979.

James F. Taylor,
Director, Office of Management, Administration, and Planning.

[TA-W-4699]
[FR Doc. 79-12690 Filed 4-23-79; 8:45 am]
BILLING CODE 4510-28-M

Kingston Dress; Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4851: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 26, 1979 in response to a worker petition received on February 16, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's apparel at Kingston Dress, Fayetteville, Tennessee, a plant of the Butte Knitting Mills Division of Jonathan Logan, Incorporated. The investigation revealed that the plant primarily produces ladies' dresses and ladies' suits which consist of a jacket and skirt and may include pants, a blouse and a vest.

The Notice of Investigation was published in the Federal Register on March 9, 1979 (44 FR 13093-13094). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Butte Knitting Mills, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Evidence developed during the course of the investigation revealed that Kingston Dress is a cutting and sewing factory for Butte Knitting Mills. Kingston Dress produces ladies' suits and dresses sold through the Butte Knitting Mills Division of Jonathan Logan, Incorporated as part of the Butte Knit label.

U.S. imports of women's, misses' and children's suits (including pantsuits and jumpsuits) increased absolutely in 1978 as compared to 1977.

U.S. imports of women's, misses' and children's dresses increased absolutely and relative to domestic production from 1975 to 1976. Imports decreased absolutely in 1977 and then increased in 1978.

U.S. imports of women's, misses' and children's blouses and shirts increased absolutely in each year from 1974 through 1978.

A departmental survey of customers of Butte Knitting Mills revealed that several customers increased their purchases of imported ladies' suits and dresses and decreased purchases from Butte Knitting Mills in 1977 as compared to 1976 and in 1978 as compared to 1977.

Conclusion

After careful review of the facts obtained in the investigation, I conclude

that increases of imports of articles like or directly competitive with ladies' suits and dresses produced at the Kingston Dress, Fayetteville, Tennessee plant of the Butte Knitting Mills Division of Jonathan Logan, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Kingston Dress, Fayetteville, Tennessee plant of the Butte Knitting Mills Division of Jonathan Logan, Incorporated who became totally or partially separated from employment on or after February 8, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 16th day of April 1979.

Gloria S. Pratt,
Director, Office of Foreign Economic Policy.

[TA-W-4851]
[FR Doc. 79-12691 Filed 4-23-79; 8:45 am]
BILLING CODE 4510-28-M

Sondra Coat Co.; Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4882: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 5, 1979 in response to a worker petition received on February 28, 1979 on behalf of workers and former workers producing women's coats and jackets at the Sondra Coat Company, Hoboken, New Jersey.

The Notice of Investigation was published in the Federal Register on March 16, 1979 (44 FR 16056). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of the Sondra Coat Company, its customers (manufacturers), the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses', and children's coats and jackets increased

absolutely and relatively in 1977 compared to 1976 and increased absolutely in 1978 compared to 1977.

The Department surveyed the manufacturers for whom Sondra Coat Company performs contract work. The survey revealed that manufacturers accounting for a substantial proportion of the decline in production at Sondra from 1977 to 1978 increased both their utilization of foreign contractors and their imports of women's coats and jackets during the same time period.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with women's coats and jackets produced at the Sondra Coat Company, Hoboken, New Jersey contributed importantly to the decline in sales or production and to the total or partial separation of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Sondra Coat Company, Hoboken, New Jersey who became totally or partially separated from employment on or after May 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of April 1979.

James F. Taylor,
Director, Office of Management, Administration and Planning.

[TA-W-4882]
[FR Doc. 79-12692 Filed 4-23-79; 8:45 am]
BILLING CODE 4510-28-M

Songo Shoe Manufacturing Corp.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4778: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 1, 1979 in response to a worker petition received on January 30, 1979, which was filed on behalf of workers and former workers producing athletic footwear, and men's and women's dress and casual boots at the Lewiston, Maine plant of Songo Shoe Manufacturing Corporation.

The Notice of Investigation was published in the Federal Register on February 9, 1979 (44 FR 8381). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Songo Shoe Manufacturing Corporation, its customers, the America Footwear Industries Association, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of athletic footwear increased absolutely and relatively in 1977 compared to 1976.

U.S. imports of men's dress and casual footwear, except athletic, increased absolutely and relatively in 1977 compared to 1976 and increased relatively in 1978 compared to 1977.

U.S. imports of women's dress and casual footwear, except athletic, increased relatively in 1977 compared to 1976 and increased absolutely and relatively in 1978 compared to 1977.

The Department conducted a survey of the customers of Songo Shoe which revealed that customers increased purchases of imported athletic footwear, and men's and women's dress and casual footwear and decreased purchases of these products from the subject firm in 1978 compared to 1977.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with athletic footwear and men's and women's dress and casual footwear produced at the Lewiston, Maine plant and Songo Shoe Manufacturing Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Lewiston, Maine plant of Songo Shoe Manufacturing Corporation who became totally or partially separated from employment on or after May 13, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 16th day of April 1979.

Gloria S. Pratt,
Director, Office of Foreign Economic Policy.

[TA-W-4778]
[FR Doc. 79-12693 Filed 4-23-79; 8:45 am]
BILLING CODE 4510-28-M

Ted Stern Co.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 20, 1979, in response to a worker petition received on March 15, 1979, which was filed on behalf of workers and former workers producing ladies' slips at Ted Stern Company, Los Angeles, California.

The Notice of Investigation was published in the *Federal Register* on March 27, 1979 (44 FR 18304). No public hearing was requested and none was held.

The petitioner requested withdrawal of the petition in a letter. On the basis of the withdrawal, continuing the investigation would serve no purpose. Consequently the investigation has been terminated.

Signed at Washington, D.C. this 13th day of April, 1979.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[TA-W-5000]
[FR Doc. 79-12694 Filed 4-23-79; 8:45 am]
BILLING CODE 4510-28-M

Vat and Churn; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4766: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 29, 1979 in response to a worker petition received on January 19, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' coats, winter and springwear, and ladies' leather coats and jackets. The investigation revealed that the plant primarily produces coats, jackets (including blazers) and wool skirts.

The Notice of Investigation was published in the *Federal Register* on February 6, 1979 (44 FR 7249-50). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Vat and Churn, the International Ladies' Garment Workers' Union, its customers, manufacturers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification

of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of leather coats and jackets increased absolutely from 1976 to 1977 and in the first three quarters of 1978 compared to the first three quarters of 1977. The ratio of imports to domestic production was 85.3 percent in 1977.

Import penetration in the leather coats market has been significant in the 1976-1978 period. In 1976 and 1977 approximately one out of every two leather coats sold in the United States was imported. In the January-September 1978 period imports increased 77.4 percent when compared to the same period in 1977. Competition from imported leather coats resulted in the closure in November 1977 of Vat and Churn's major manufacturer. The loss of contracts from this manufacturer significantly reduced production and employment levels at Vat and Churn in 1978 and resulted in its eventual closure in January 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' leather coats, produced at Vat and Churn, Rockville Center, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Vat and Churn, Rockville Center, New York who became totally or partially separated from employment on or after January 18, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of April 1979.

Harry J. Gilman,
Supervisory International Economist, Office of Foreign Economic Research.

[TA-W-4766]
[FR Doc. 79-12695 Filed 4-23-79; 8:45 am]
BILLING CODE 4510-28-M

Wellfleet of New Jersey, Inc.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 26, 1979 in response to a worker petition received on March 22, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' knitted suits,

dresses and pants at Wellfleet of New Jersey, Incorporated, Roselle, New Jersey.

The Notice of Investigation was published in the Federal Register on March 30, 1979 (44 FR 19073). No public hearing was requested and none was held.

During the course of the investigation, it was established that all workers of Wellfleet of New Jersey, Incorporated were separated from employment in December, 1975. Section 223(b) of the Trade Act of 1974 states that no certification under this section may apply to any worker whose last total or partial separation from the firm or appropriate subdivision of the firm occurred more than one year prior to the date of the petition.

The date of the petition in this case is March 16, 1979 and, thus, workers terminated prior to March 16, 1978 are not eligible for program benefits under Title II, Chapter 2, Subchapter B of the Trade Act of 1974. The investigation is therefore terminated.

Signed at Washington, D.C. this 17th day of April, 1979.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[TA-W-5042]
[FR Doc. 79-12696 Filed 4-23-79; 8:45 am]
BILLING CODE 4510-28-M

Westinghouse Electric Corp.; Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4812: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 12, 1979 in response to a worker petition received on February 5, 1979 which was filed by the International Union of Electrical, Radio and Machine Workers on behalf of workers and former workers producing frame size 56 electric motors at the Lima, Ohio plant of the Small Motor Division of Westinghouse Electric Corporation.

The Notice of Investigation was published in the Federal Register on February 23, 1979 (44 FR 10799). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Westinghouse Electric Corporation, the U.S. Department of Commerce, the U.S. International Trade

Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of AC fractional horsepower motors, measured in quantity, increased absolutely during 1977 compared to 1976 and increased both absolutely and relative to domestic production during 1978 compared to 1977. Measured in value, imports increased both absolutely and relative to domestic production during 1977 compared to 1976 and during 1978 compared to 1977.

The Lima, Ohio facility is the only domestic production facility in Westinghouse's Small Motor Division that produces 56 frame electric motors. In November 1977 Westinghouse announced that during 1978 and 1979 the Small Motor Division would completely phase out motor production at the Lima, Ohio plant and would relocate these motor production activities at company plants in Juarez, Mexico and Union City, Indiana. The first shipments of 56 frame motors produced at Juarez arrived in the U.S. for sale in February 1978. Imports by Westinghouse of 56 frame motors produced at Juarez increased during each quarter of 1978 over the previous quarter, while production of 56 frame motors at Lima decreased during 1978 compared to 1977. The last complete motors to be produced at Lima were produced in December 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with 56 frame electric motors produced at the Lima, Ohio plant of the Small Motor Division of Westinghouse Electric Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Lima, Ohio plant of the Small Motor Division of Westinghouse Electric Corporation engaged in employment related to the production of 56 frame electric motors who became totally or partially separated from employment on or after April 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of April 1979.

James F. Taylor,
Director, Office of Management, Administration and Planning.

[TA-W-4812]
[FR Doc. 79-12697 Filed 4-23-79; 8:45 am]
BILLING CODE: 4510-28-M

White Eagle Coal Co.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4922 and 4923: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 12, 1979 in response to a worker petition received on March 6, 1979 which was filed by the United Mine Workers of America on behalf of workers and former workers mining low volatile coal at the AA Left Mains Mine (TA-W-4922) and the K Mine (TA-W-4923) of White Eagle Coal Company, Raleigh County, West Virginia.

The Notice of Investigation was published in the Federal Register on March 23, 1979 (44 FR 17835). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of White Eagle Coal Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The AA Left Mains Mine and the K Mine have been leased by White Eagle Coal Company from a larger firm since October, 1978. Both before and after White Eagle Coal Company took over operation of the mines, coal from the mines has been sold to the final customers by the larger firm. A high percentage of the coal sold by that firm is exported. Sales to U.S. customers by that firm increased from 1976 to 1977

and increased again from 1977 to 1978. Separate sales records for the AA Left Mains Mine and the K Mine were not maintained before October, 1978. Sales records for October, 1978 through February, 1979 show that virtually all the coal produced at the two mines during those months has been exported. Consequently, increased imports of coal or coke into the United States did not affect sales and production levels at these mines.

Conclusion

After careful review, I determine that all workers of the AA Left Mains Mine and the K Mine of White Eagle Coal Company, Raleigh County, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of April 1979.

James F Taylor,
Director, Office of Management, Administration and Planning.

[TA-W-4922 and 4923]

[FR Doc. 79-12668 Filed 4-23-79; 8:45 am]

BILLING CODE 4510-28-M

Pension and Welfare Benefit Programs

Employee Benefit Plans; Exemptions from the Prohibitions Respecting Transactions Involving the Southern Nevada Culinary and Bartenders Pension Trust

AGENCY: Department of Labor.

ACTION: Grant of individual exemptions.

SUMMARY: These two exemptions enable Thomas L. Karsten Associates (Karsten), as an investment manager of the Southern Nevada Culinary and Bartenders Pension Trust (the Pension Trust) to engage in certain transactions which, in the absence of the exemptions, would be prohibited by the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code).

FOR FURTHER INFORMATION CONTACT: Robert R. Bitticks, Esq., Office of the Solicitor, Plan Benefits Security Division, Room C-4508, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, (202) 523-8620. (This is not a toll free number).

SUPPLEMENTARY INFORMATION: On February 13, 1979, notice was published in the Federal Register (44 FR 9439) of the pendency before the Department of Labor (the Department) of two exemptions from the restrictions of sections 406(a) and 407(a) of the Act and from the taxes imposed by sections 4975(a) and (b) of the Code by reason of

sections 4975(c)(1)(A) through (D) of the Code. The exemptions were requested in an application filed by Karsten pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722. The application was filed with both the Department and the Internal Revenue Service. However, effective December 31, 1978 (44 FR 1065, January 3, 1979), section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, the exemptions were proposed and are being issued solely by the Department.

The proposed exemptions would apply to a number of transactions which involve Karsten, the Pension Trust and certain parties in interest and disqualified persons and which have been or would be entered into as a result of Karsten's appointment as investment manager of the Pension Trust. The notice set forth a summary of the facts and representations contained in the application and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemptions to the Department. No comments were received.

Based on the application for exemption submitted by Karsten, the Department has decided to grant the proposed exemptions.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which require, among other things, that a fiduciary discharge his duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section

401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions do not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1)(E) and (F) of the Code;

(3) These exemptions are supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Exemptions

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the application for exemption, the Department makes the following determinations:

- (i) The exemptions are administratively feasible;
- (ii) They are in the interest of the plan and of participants and beneficiaries;
- (iii) They are protective of the rights of participants and beneficiaries of the plan.

Accordingly, the exemptions proposed in the notice of February 13, 1979 (44 FR 9439) are hereby granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1.

The availability of these exemptions is subject to the express conditions that the material facts and representations contained in the application are true and complete.

Signed at Washington, D.C., this 18th day of April 1979.

Ian D. Lanoff,
Administrator, Pension and Welfare Benefit Programs,
Labor-Management Services Administration.

[Prohibited Transaction Exemption 79-12; application No. D-1219]

[FR Doc. 79-12638 Filed 4-23-79; 8:45 am]

BILLING CODE 4510-29-M

Occupational Safety and Health Administration

National Advisory Committee on Occupational Safety and Health; Meeting

Notice is hereby given that the National Advisory Committee on

Occupational Safety and Health (NACOSH) will meet on May 11 at the New Department of Labor Building, 3rd Street and Constitution Avenue N.W., Washington, D.C. The Committee will meet in Room N-5437. The meeting will begin at 9:00 a.m. The public is invited to attend.

The National Advisory Committee was established under section 7(a) of the Occupational Safety and Health Act of 1970 (Pub. L. 91-596) to advise the Secretary of Labor and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act.

The agenda will include an overview of OSHA's data uses and reports on some of the current BLS and OSHA projects which produce data and statistics that are used by OSHA.

The Committee will consider recommendations on OSHA's data uses and needs.

For additional information contact:

Clarence Page, Division of Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3635, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210, telephone: 202-523-8024.

Written data or views concerning these agenda items may be submitted to the Division of Consumer Affairs. Such documents which are received before the scheduled meeting dates, preferably with 20 copies, will be presented to the Committee and included in the official record of the proceedings.

Anyone who wishes to make an oral presentation should notify the Division of Consumer Affairs before the meeting date. The request should include the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the chairman of the Committee to the extent which time permits.

Official records of the meetings will be available for public inspection at the Division of Consumer Affairs.

Signed at Washington, D.C., this 20th day of April 1979.

Eula Bingham,
Assistant Secretary of Labor
[FR Doc. 79-12812 Filed 4-23-79; 8:45 am]
BILLING CODE 4510-26-M

NATIONAL ADVISORY COMMITTEE FOR WOMEN

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub.

L. 92-463 as amended), notice is hereby given of a meeting of the National Advisory Committee for Women.

Date, Time, and Room: May 10, 1979, Room S4215 A, B, C—9:00 a.m.—8:00 p.m., May 11, 1979, Room S4215 A, B, C—10:00 a.m.—3:30 p.m.

Place: Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Purpose: This is the regular meeting of the National Advisory Committee for Women.

The agenda for the meeting will include the following: Briefings on the UN Mid-Decade Conference for Women and Welfare Reform; Subcommittee sessions on the future, employment and education; and health and welfare; and a report from Sarah Weddington, Special Assistant to the President.

A portion of the above meeting will be closed to the public pursuant to section 10(d) of the Federal Advisory Committee Act for the purpose of discussing the internal personnel policies and practices of the Committee.

Dated: April 18, 1979.

Ellen M. McGovern,
Executive Director.
[FR Doc. 79-12702 Filed 4-23-79; 8:45 am]
BILLING CODE 4510-22-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Humanities Advisory Committee; Meeting

April 18, 1979.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the National Council on the Humanities will be conducted at Washington, D.C., on May 9-11, 1979.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Shoreham Building, 806 15th Street, N.W., 1st Floor Conference Room, Washington, D.C. The session of the proposed meeting on May 9, 1979, the majority of the proposed meeting on May 10, 1979 and the afternoon session on May 11, 1979 will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy. Pursuant to authority granted me by the Chairman's

Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the committee.

The session of the meeting which will be open to the public on May 10, 1979 is listed below:

8:00 a.m.—9:30 a.m.—Council Members with the Chairman, Chairman's Office—Room 1001.

The morning session on May 11, 1979, will convene at 8:30 a.m. and will be open to the public. The agenda for the morning session will be as follows:

Minutes of the Previous Meeting

Reports

- A. Chairman's Introductory Remarks and Introduction of New Staff.
- B. Program Review.
- C. Chairman's Grants.
- D. Application Report.
- E. Gifts and Matching Report.
- F. Evaluation.
- G. FY 1980 Appropriations.
- H. Jefferson Lecture Eligibility.

The remainder of the proposed meeting will be closed to the public.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, N.W., Washington, D.C. 20506, or call area code 202-724-0367.

Stephen J. McCleary,
Advisory Committee Management Officer
[FR Doc. 79-12726 Filed 4-23-79; 8:45 am]
BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Regulatory Activities;

The ACRS Subcommittee on Regulatory Activities will hold an open meeting, on May 9, 1979, in Room 1046, 1717 H St., N.W., Washington, DC 20555. Notice of this meeting was published in the Federal Register on March 23 and April 20.

In accordance with the procedures outlined in the Federal Register on October 4, 1978 (43 FR 45926) oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its

consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Wednesday, May 9, 1979.

The meeting will commence at 8:45 a.m. (Open).

The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to the following:

(1) Proposed Regulatory Guide, "Guidance on Applications for Amendments to Operating Licenses for LWR Core Reloads" (Pre Comment).

(2) Regulatory Guide 1.9, Revision 2, "Selection, Design, and Qualification of Diesel-Generator Units Used as Standby (Onsite) Electric Power Systems at Nuclear Power Plants (Post Comment)".

Other matters which may be of a predecisional nature relevant to reactor operation or licensing activities may be discussed following this session.

Persons wishing to submit written statements regarding Regulatory Guide 1.9, Revision 2, may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. However, to insure that adequate time is available for full consideration of these comments at the meeting, it is desirable to send a readily reproducible copy of the comments as far in advance of the meeting as practicable to Mr. Gary R.

Quittschreiber (ACRS), the Designated Federal Employee for the meeting, in care of ACRS, Nuclear Regulatory Commission, Washington, D.C. 20555 or telecopy them to the Designated Federal Employee (202-634-3319) as far in advance of the meeting as practicable. Such comments shall be based upon documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Gary R. Quittschreiber, (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: April 18, 1979.

Samuel J. Chilk,
Secretary of the Commission.
[FR Doc. 79-12468 Filed 4-23-79; 8:45 am]
BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards

Subcommittee on Combination of Dynamic Loads; Meeting

The ACRS Subcommittee on Combination of Dynamic Loads will hold an open meeting on May 9, 1979 in Room 1046, 1717 H St., N.W., Washington, DC to review with representatives of the NRC Staff the methodology for combining dynamic loads. Notice of this meeting was published March 23 and April 20, 1979.

In accordance with the procedures outlined in the Federal Register on October 4, 1978, (43 FR 45926), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows: *Wednesday, May 9, 1979, 1:00 p.m. until the conclusion of business.*

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, and their consultants, pertinent to this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Elpidio G. Igne, (telephone 202/634-3314) between 8:15 a.m. and 5:00 p.m., EST.

Dated: April 18, 1979.

Samuel J. Chilk,
Secretary of the Commission.
[FR Doc. 79-12568 Filed 4-23-79; 8:45 am]
BILLING CODE 7590-01-M

Consumers Power Co.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 26 to Facility Operating License No. DPR-6, issued to the Consumers Power Company (the licensee), which revised the Technical Specifications for operation of the Big Rock Point Plant (the facility) located in Charlevoix County, Michigan. The amendment is effective as of its date of issuance.

The amendment consists of changes to Section 5.2.1(b) of the Technical Specifications to add a limit on thermal power for each fuel bundle location to assure that available emergency core cooling flow is sufficient.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 28, 1979, (2) Amendment No. 26 to License No. DPR-6, including the letter of transmittal, (3) the licensee's letters dated November 21, 1978, January 16, 1979, and April 6, 1979, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

A copy of items (2) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission,

Washington, D.C. 20555, Attention:
Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 10th day
of April, 1979.

For the Nuclear Regulatory Commission.

Dennis L. Ziemann,

Chief, Operating Reactors Branch No. 2, Division of Operat-
ing Reactors.

[FR Doc. 79-12567 Filed 4-23-79; 8:45 am]

BILLING CODE 7590-01-M

**Houston Lighting & Power Co., et al.
(South Texas Project, Units 1 and 2),
Assignment of Atomic Safety and
Licensing Appeal Board**

Notice is hereby given that, in
accordance with the authority in 10 CFR
§ 2.787(a), the Chairman of the Atomic
Safety and Licensing Appeal Panel has
assigned the following panel members to
serve as the Atomic Safety and
Licensing Appeal Board for this
operating license proceeding.

Richard S. Salzman, Chairman.

Dr. John H. Buck.

Michael C. Farrar.

Dated: April 17, 1979.

Margaret E. Du Flo,

Secretary to the Appeal Board.

[Docket Nos. STN 50-498 OL & STN 50-499 OL]

[FR Doc. 79-12568 Filed 4-23-79; 8:45 am]

BILLING CODE 7590-01-M

**Public Service Electric & Gas Co.
(Salem Nuclear Generating Station,
Unit No. 1), Spent Fuel Expansion;
Order**

In the Matter of Public Service Electric
& Gas Co. (Salem Nuclear Generating
Station, Unit No. 1).

As previously announced on March
15, 1979 at the Special Prehearing
Conference, and on March 29, 1979 in
the Order Following Prehearing
Conference, an evidentiary hearing has
been scheduled in the above-captioned
matter on May 2, 1979 in Salem, New
Jersey.

The evidentiary hearing shall begin at
9:30 a.m. on May 2, 1979 in the Free
Holders Meeting Room (Room No. 7),
New Salem County Courthouse, 94
Market Street, Salem, New Jersey.

The Board wishes to add the following
questions for discussion at the hearing:

1. To what extent did the accident at
Three Mile Island affect the spent fuel
pool at that site?
2. If there had been an explosion or
"meltdown" at Three Mile Island, what
effect would that have had upon the
spent fuel pool? To what extent would it
have mattered how much spent fuel was
present at the pool?
3. If an accident such as the one at
Three Mile Island occurred at Salem, to

what extent would the accident affect
the spent fuel pool? If an explosion or
"meltdown" occurred at Salem, to what
extent would that affect the spent fuel
pool? To what extent would it have
mattered how much spent fuel was
present at the pool at Salem?

The Board desires that the Licensee
and the Staff present at the hearing
whatever evidence is necessary to
address the above questions.

So ordered.

Dated at Bethesda, Maryland this 18th day
of April 1979.

For the Atomic Safety and Licensing Board.

Lester Kornblith, Jr.,

Member.

[Doc. No. 50-272]

[FR Doc. 79-12569 Filed 4-23-79; 8:45 am]

BILLING CODE 7590-01-M

**Regulatory Guide; Issuance and
Availability**

The Nuclear Regulatory Commission
has issued a new guide in its Regulatory
Guide Series. This series has been
developed to describe and make
available to the public methods
acceptable to the NRC staff of
implementing specific parts of the
Commission's regulations and, in some
cases, to delineate techniques used by
the staff in evaluating specific problems
or postulated accidents and to provide
guidance to applicants concerning
certain of the information needed by the
staff in its review of applications for
permits and licenses.

Regulatory Guide 3.11.1, "Operational
Inspection and Surveillance of
Embankment Retention Systems for
Uranium Mill Tailings," provides
detailed guidance on a basis for
developing an appropriate inservice
inspection and surveillance program for
earth and rockfill embankments used to
retain uranium mill tailings. It
supplements the general guidance in this
area provided in Regulatory Guide 3.11,
"Design, Construction, and Inspection of
Embankment Retention Systems for
Uranium Mills."

Comments and suggestions in
connection with (1) items for inclusion
in guides currently being developed or
(2) improvements in all published guides
are encouraged at any time. Public
comments on Regulatory Guide 3.11.1
will, however, be particularly useful in
evaluating the need for an early revision
if received by June 22, 1979.

Comments should be sent to the
Secretary of the Commission, U.S.
Nuclear Regulatory Commission,
Washington, D.C. 20555, Attention:
Docketing and Service Branch.

Regulatory guides are available for
inspection at the Commission's Public
Document Room, 1717 H Street NW.,
Washington, D.C. Requests for single
copies of the latest revision of issued
guides (which may be reproduced) or for
placement on an automatic distribution
list for single copies of future guides in
specific divisions should be made in
writing to the U.S. Nuclear Regulatory
Commission, Washington, D.C. 20555,
Attention: Director, Division of
Technical Information and Document
Control. Telephone requests cannot be
accommodated. Regulatory guides are
not copyrighted, and Commission
approval is not required to reproduce
them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 16th day
of April 1979.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Standards Development.

[FR Doc. 79-12570 Filed 4-23-79; 8:45 am]

BILLING CODE 7590-01-M

**OFFICE OF MANAGEMENT AND
BUDGET**

Evaluation of Executive Order 12044

AGENCY: Office of Management and
Budget.

ACTION: Notice of plans for evaluating
the effectiveness of Executive Order
12044, Improving Government
Regulations and agency compliance
with its provisions.

SUMMARY: On March 23, 1978, the
President directed each executive
agency, by Executive Order 12044, to
adopt certain procedures to improve
existing and future regulations. The
Office of Management and Budget
(OMB) is responsible for assuring
effective implementation of the Order
and will report to the President at least
semi-annually on both the effectiveness
of the Order and agency compliance
with its provisions. In addition to these
periodic reports, by May 1980 OMB will
report to the President regarding
whether or not the Order should be
extended and what changes, if any,
would improve its effectiveness.

This notice outlines OMB's standards
for evaluating both the effectiveness of
the Order and agency compliance with
it. It is intended to be used as a basis for
the semiannual reports to him. We have
received comments from several
interested agencies on an earlier draft of
the evaluation plan that attempted to
develop numerous quantitative
measures of agency performance.

Several agencies commented that valid quantitative data would be difficult to obtain, not meaningful and a needless paperwork burden. For these reasons, agencies thought it would be contrary to the spirit of the Order. Therefore, the evaluation plan was revised to be more subjective. We will be seeking information and reactions from agencies and the public and will be augmenting them with OMB appraisals and case studies to provide a balance to the subjective nature of the evaluation.

The announcement of this evaluation plan was contained in a memorandum of April 10, 1979, from the Director of OMB, James T. McIntrye, Jr., to department and agency heads. Our purpose in publishing the evaluation plan is to inform interested members of the public. We also hope that members of the public will provide useful contributions to the evaluations by identifying good and bad examples of agency performance in the essential areas we have outlined. We believe such public participation is essential to a successful evaluation of the Order.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Raynsford, Chief Economic Analysis and Special Projects Branch, Regulatory Policy and Reports Management Division, Office of Management & Budget, Washington, D.C. 20503, (202/395-3814), or Ms. Diane K. Steed, Chief, Regulatory Policy Branch, Regulatory Policy and Reports Management Division, Office of Management & Budget, Washington, D.C. 20503, (202/395-3176).

Dated: April 10, 1979.

Wayne G. Granquist,

Associate Director, Management and Regulatory Policy.

Evaluation Criteria for Executive Order 12044

The President has directed OMB to report semiannually on the effectiveness of Executive Order 12044, "Improving Government Regulations," and agency compliance with its provisions. By May 1980, OMB will be recommending to the President whether to extend the Order and, if so, what changes or other actions are needed to achieve its purposes. The evaluation plan outlined here will focus on the five essential goals of the Order:

I. Effective senior-level policy oversight.

II. Increased public participation.

III. Better and more useful analysis.

IV. Periodic review of existing regulations.

V. Increased simplicity and clarity of regulations (plain English).

The evaluation plans outlined here give agencies an opportunity to review

and critically assess their own performance in these five areas and to provide OMB with documentation of their accomplishments and shortcomings.

In addition, OMB will conduct case studies, from time to time, of individual regulations to determine whether they were developed according to the letter and spirit of the Executive Order.

We will also seek comments from the public on specific agency practices and the effectiveness of the Order in general.

In the first report, agencies will be expected to provide critical self-appraisals in each of five areas of concern for two periods:

1. From January 1, 1978, to implementation of the agency's plan, or approval of the plan by OMB, whichever was earlier; and

2. From implementation or OMB approval, whichever was earlier, to April 1, 1979.

Information for the first period will provide an indication of agency regulatory practices before implementation of the Executive Order. Without such a base period, changes in agency practices cannot be adequately analyzed.

The second period will give us the first real indication of agency performance under the Executive Order.

The first report should be sent to Wayne Granquist, Associate Director, Management and Regulatory Policy, OMB, by May 1, 1979. Subsequent reports should be sent to Mr. Granquist by August 1, 1979; November 1, 1979; February 1, 1980; and April 1, 1980.

I. Effective Policy Oversight.—The Order requires heads of agencies and policy officials to exercise effective oversight of the development and implementation of agency regulations. This requirement is intended to raise the level of regulatory decisionmaking within agencies so that policy officials with broader perspectives and responsibilities can balance the other more parochial interests of technical staff. We believe that more effective policy oversight is the key to the implementation of many of the other provisions of the Executive Order, such as regulatory analysis, public involvement, and clarity. Without it, realization of the other objectives may be impossible.

There are three stages at which the Executive Order requires policy-level oversight for significant and existing regulations:

1. Approval of the semi-annual agenda of regulatory actions;

2. Review, before development begins, of the issues, the alternatives to be

explored, plans for obtaining public comment, and target dates for completion of each step in the development process; and

3. Approval before final publication.

The most useful appraisal of agency compliance with this provision should come from case studies of selected regulations, from frank appraisals by the agency staff, and from information supplied by members of the public. Agencies are required to describe in detail several examples of how they carried out this provision of the Executive Order for their significant regulations. Agencies should also tell us, using examples, the effects of this provision of the Order: What major recommendations were disapproved at the policy level? What improvements, if any, were made as a result of better policy oversight? If delay was a problem, agencies should describe those cases in detail, including the reasons for delay and whether or not the quality of the regulation was affected.

Over the next 14 months, OMB will conduct case studies of the development of selected new regulations and the review of existing ones as a supplement to these agency reports. These case studies will enable us to make objective, informed judgments on the effect of the Order and individual agency performance.

II. Public Participation.—The Executive Order requires that the public be offered an early and meaningful opportunity to participate in the development of agency regulations. In the past, regulatory proposals have not always reached the public in a timely, informative manner. The requirements of the Executive Order are intended to ensure that the people who are affected by the regulation—those who pay the costs or receive the benefits—have an opportunity to alert federal regulators to the effects and potential problems of the proposed regulation.

To give the public adequate notice, the Order requires agencies to publish at least semiannually, an agenda of significant regulations under development or review. In addition, the Executive Order encourages agencies to achieve greater public participation in several ways: (1) by publishing an advance notice of proposed rulemaking; (2) by holding open conferences or public hearings; (3) by sending notices of proposed regulations to publications likely to be read by those affected; and (4) by notifying parties directly. Agencies are to give the public at least 60 days to comment on proposed significant regulations, except in certain rare instances. This requirement is

intended to improve agency decisions by giving the public more time to prepare informed comments.

In their progress reports, agencies will describe, using specific examples, what methods have been used to publicize proposed agency actions and to solicit public comments. Agencies should further describe: (1) which approaches (e.g., hearings, public notices, etc.) resulted in the most useful comments, (2) which were largely unsuccessful, and (3) why.

Agencies should also describe whether expanded opportunities for public participation were given as a general rule, only occasionally, or just in certain cases, such as for proposals with major economic effects. Have efforts to increase public participation resulted in a wider variety of respondents (e.g., more individuals, businesses, State and local governments)? If public comment has increased, has this helped or hindered the agency? How? Where possible, agencies should give examples of significant actions taken in response to public comments, such as withdrawal of a proposed regulation, major changes in the number of people or businesses affected, or significant reduction in cost.

III. Regulatory Analysis.—Regulatory analysis is intended to focus agency attention on the economic consequences of regulatory decisions and to ensure that intended regulatory goals are achieved effectively at the least cost. The Executive Order requires agencies to prepare a regulatory analysis for significant regulations which are expected to have major economic consequences for the general economy, individual industries, geographic regions or levels of government. These analyses are to be made available to the public.

While we will be tracking the agencies' regulatory analyses, each agency should provide its own assessment of how this provision worked. Were the analyses, as a rule, completed early in the formulation stages of a regulation? Was the least burdensome of the acceptable alternatives chosen? If not, were reasons provided to the public? Agencies should discuss and provide examples of how the analyses did or did not contribute to the formulation and design of the regulation. For example, where in the agency were the analyses prepared, by program people or by a special analytical staff? If this varied, which approach was most useful and why? Who in the agency found the analysis to be most useful—program managers? Management analysis staffs? Policy-level decisionmakers?

IV. Existing Regulations.—Agencies are required to review periodically their existing regulations to see whether each is achieving the policy goals of the Order. These reviews are subject to the same procedural steps outlined for proposed new regulations. They are intended to help weed out unnecessary regulations and to improve essential ones. Agencies should report how effective their reviews of existing regulations were. We would like to know what difference their reviews made. For example, were unnecessary paperwork requirements eliminated? Was the meaning of the regulation clarified? Were better, less burdensome regulatory approaches discovered and implemented? Were any regulations recommended for outright elimination?

V. Plain English.—So that individuals who must comply with regulations understand them, the President has directed agencies to write regulations as clearly and simply as possible. Although this is an extremely important requirement of the Order, plain English is difficult to define and measure. Some regulations must be written in technical language, but at a minimum, the preamble should be clear and understandable to the lay reader. We would appreciate help from the public and the agencies in identifying especially good and especially poor regulations. We will report to the President which agencies continue to issue confusing regulations as well as identify those agencies that issue exceptionally clear and well written regulations.

[FR Doc. 79-12608 Filed 4-23-79; 8:45 am]
BILLING CODE 3110-01-M

POSTAL RATE COMMISSION

New Geneva, Pa. 15467 (Mr. & Mrs. Darwin Pryce, Petitioners); Notice and Order of Filing of Appeal

April 18, 1979.

On April 13, 1979, the Commission received a typewritten letter from Mr. & Mrs. Darwin Pryce (hereinafter "Petitioners"), concerning alleged United States Postal Service plans to close the New Geneva, Pennsylvania, post office. Although the letter makes no explicit reference to the Postal Reorganization Act, we believe it should be liberally construed as a petition for review pursuant to § 404(b) of the Act (39 U.S.C. § 404(b)), so as to preserve petitioners' right to appeal which is subject to a 30-day time limit.¹ Since the petition

apparently was not written by an attorney, it does not conform perfectly with the Commission's rules of practice which also require a petitioner to attach a copy of the Postal Service's Final Determination to the petition.² However, § 1 of the Commission's rules of practice calls for liberal construction of the rules to secure just and speedy determination of issues.³

The Act requires that the Postal Service provide the affected community with at least 60 days' notice of a proposed post office closing so as to " * * * ensure that such persons will have an opportunity to present their views."⁴ The petition requests that the decision to close the New Geneva post office be reversed. From the face of the petition it is unclear whether the Postal Service provided 60 days' notice, whether any hearings were held, and whether a determination has been made under 39 U.S.C. 404(b)(3). (Petitioner failed to supply a copy of the Postal Service's Final Determination, if one is in existence.) The Commission's rules of practice require the Postal Service to file the administrative record of the case within 15 days after the date on which the petition for review is filed with the Commission.⁵

The Postal Reorganization Act states:

The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.⁶

Section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determinations by the Postal Service to close post offices. The effect on the community is also a mandatory consideration under § 404(b)(2)(A) of the Act. The Petitioners state that the closing would damage New Geneva as a community. Petitioners also state that a rural route could not meet the community's needs as well as a post office.

The petition appears to set forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal

Stat. 1310-1311. Our rules of practice governing these cases appear at 39 CFR 3001.110 *et seq.*

¹ 39 CFR 3001.111(a).

² 39 CFR 3001.1.

³ 39 U.S.C. 404(b)(1).

⁴ 39 CFR 3001.113(o). The Postal Rate Commission informs the Postal Service of its receipt of such an appeal by issuing PRC Form No. 56 to the Postal Service upon receipt of each appeal.

⁵ 39 U.S.C. 101(b).

⁶ 39 U.S.C. 404(b)(5). 39 U.S.C. 404(b) was added to title 39 by Pub. L. 94-421 (September 24, 1976), 90

Service complied with its regulations for the discontinuance of post offices.²

Upon preliminary inspection, the petition appears to raise the following issues of law:

1. Did the Postal Service consider adequately the comments made by the patrons of the New Geneva post office?
2. Is the Postal Service required to consider that the community has no other public building as part of the "effect on the community" within the meaning of § 404(b)(2)(A)?
3. Is the Postal Service required to consider the availability of the post office building for the school children to wait for the bus, for drivers of delivery trucks to get directions and for neighbors to socialize as part of the "effect on the community" within the meaning of § 404(b)(2)(A)?

Other issues of law may become apparent when the Commission has had the opportunity to examine the determination made by the Postal Service. Conversely, the determination may be found to resolve adequately one or more of the issues described above.

In view of the above, and in the interest of expedition of this proceeding under the 120-day decisional deadline imposed by § 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on one or more of the issues described above, and/or any further issues of law disclosed by the determination made in this case. In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal position or interpretation on any such issue, it will, within 20 days of receiving the determination and record pursuant to § 113 of the rules of practice (39 CFR 3001.113), make the request therefor by order, specifying the issues to be addressed.

When such a request is issued, the memorandum shall be due within 20 days of its issuance, and a copy of the memorandum shall be served on petitioners by the Service.

In briefing the case, or in filing any motion to dismiss for want of prosecution, in appropriate circumstances, the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the Commission in § 404(b) cases, and none is being appointed.¹

The Commission Orders

(A) The letter of April 13, 1979, from Mr. & Mrs. Darwin Pryce shall be construed as a petition for review pursuant to § 404(b) of the Act (39 U.S.C. 404(b)).

(B) The Secretary of the Commission shall publish this Notice and Order in the Federal Register.

(C) The Postal Service shall file the administrative record in this case on or before April 30, 1979, pursuant to the Commission's rules of practice (39 CFR 3001.113(a)).

By the Commission.

David F. Harris,
Secretary.

Appendix

April 13, 1979—Notice of Petition.

April 18, 1979—Notice and Order of Filing of Appeal.

April 30, 1979—Filing of record by Postal Service (see 39 CFR 3001.113(a)).

May 3, 1979—Last day for filing of petitions to intervene (see 39 CFR 3001.111(b)).

May 14, 1979—Petitioners' initial brief (see 39 CFR 3001.115(a)).

May 29, 1979—Postal Service answering brief (see 39 CFR 3001.115(b)).

June 13, 1979—(1) Petitioners' reply brief, if petitioners choose to file such brief (see 39 CFR 3001.115(c)); (2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interests of prompt and just decision may require, in scheduling or dispensing with oral argument.

August 13, 1979—Expiration of 120-day decisional schedule (see 39 U.S.C. 404(b)(5)).

[Order No. 264; Docket No. A79-18]

[FR Doc. 79-12653 Filed 4-23-79; 8:45 am]

BILLING CODE 7715-01-M

Reed, OK. 73563 (Lola Allen, Petitioner); Notice and Order of Filing of Appeal

April 19, 1979.

On April 13, 1979, the Commission received a handwritten letter from Lola Allen (hereinafter "Petitioner") on behalf of herself and others similarly situated concerning alleged U.S. Postal Service plans to close the Reed, Oklahoma post office. Although the letter makes no explicit reference to the Postal Reorganization Act, we believe it should be liberally construed as a petition for review pursuant to § 404(b) of the Act (39 U.S.C. 404(b)), so as to preserve petitioner's right to appeal which is subject to a 30-day time limit.¹ Since the petition was apparently written by a layman rather than an

attorney, it does not conform perfectly with the Commission's rules of practice which also require a petitioner to attach a copy of the Postal Service's final determination to the petition.¹ However, § 1 of the Commission's rules of practice calls for a liberal construction of the rules to secure just and speedy determination of issues.²

The Act requires that the Postal Service provide the affected community with at least 60 days' notice of a proposed post office closing so as to " * * * insure that such persons will have an opportunity to present their views."³ The petition requests that the decision to close the Reed post office be reversed. From the face of the petition it is unclear whether the Postal Service provided 60 days' notice, whether any hearings were held, and whether a determination has been made under 39 U.S.C. 403(b)(3). (Petitioner failed to supply a copy of the Postal Service's final determination, if one is in existence.) The Commission's rules of practice require the Postal Service to file the administrative record of the case within 15 days after the date on which the petition for review is filed with the Commission.⁴

The Postal Reorganization Act states:

The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.¹

Section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determinations by the Postal Service to close post offices. Petitioner asserts that the residents of Reed would incur additional expenses in obtaining postal services if their post office were closed, and that they depend on its existence. The effect "on the community" of a post office closing is made a mandatory subject for consideration by § 404(b)(2)(A) of the Act. The petition appears, to set forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal

¹39 CFR 3001.111(a).

²39 CFR 3001.1.

³39 U.S.C. 404(b)(1).

⁴39 CFR 3001.113(a). The Postal Rate Commission informs the Postal Service of its receipt of such an appeal by issuing PRC Form No. 58 to the Postal Service upon receipt of each appeal.

¹39 U.S.C. 101(b).

²42 FR 59079-59085 (11/17/77); the Commission's standard of review is set forth at 39 U.S.C. 404(b)(5).

¹In the Matter of Cresham, S.C., Route #1, Docket No. A78-1 (May 11, 1978).

¹39 U.S.C. 404(b)(5). 39 U.S.C. 404(b) was added to title 39 by Pub. L. 94-421 (September 24, 1976), 90 Stat. 1310-1311. Our rules of practice governing these cases appear at 39 CFR 300.110 *et seq.*

Service complied with its regulations for the discontinuance of post offices.²

Upon preliminary inspection, the petition appears to raise the following issues of law:

1. Is energy conservation or the cost of travelling to an additional facility a proper matter for consideration under "other factors" within the meaning of § 404(b)(2)(E)?

2. Should the Postal Service consider the effect of the closing on senior citizens, in its review of "the effect on the community" under § 404(b)(2)(A)?

3. Is the Postal Service required to consider the effects of the change on the business community under "the effect on the community" within the meaning of § 404(b)(2)(A)?

4. Should the Postal Service consider whether or not the post office is self-sustaining in assessing "economic savings" under § 404(b)(2)(D)?

Other issues of law may become apparent when the Commission has had the opportunity to examine the determination made by the Postal Service. Conversely, the determination may be found to resolve adequately one or more of the issues described above.

In view of the above, and in the interest of expedition of this proceeding under the 120-day decisional deadline imposed by § 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on one or more of the issues described above, and/or any further issues of law disclosed by the determination made in this case. In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal position or interpretation on any such issue, it will, within 15 days of receiving the determination and record pursuant to § 113 of the rules of practice (39 CFR 3001.113(a)), make the request therefor by order, specifying the issues to be addressed.

When such a request is issued, the memorandum shall be due within 15 days of its issuance, and a copy of the memorandum shall be served on petitioner by the Service.

In briefing the case, or in filing any motion to dismiss for want of prosecution in appropriate circumstances, the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the

Commission in § 404(b) cases, and none is being appointed.¹

The Commission orders

(A) The letter of April 13, 1979, from Lola Allen shall be construed as a petition for review pursuant to § 404(b) of the Act (39 U.S.C. § 404(b)).

(B) The Secretary of the Commission shall publish this Notice and Order in the Federal Register.

(C) The Postal Service shall file the administrative record in this case on or before April 30, 1979, pursuant to the Commission's rules of practice (39 CFR 3001.113(a)).

By the Commission.

David F. Harris,
Secretary.

Appendix

April 13, 1979—Filing of Petition.

April 19, 1979—Notice and Order of Filing of Appeal.

April 30, 1979—Filing of record by Postal Service (see 39 CFR 3001.113(a)).

May 3, 1979—Last day for filing of petitions to intervene (see 39 CFR 3001.111(b)).

May 14, 1979—Petitioner's initial brief (see 39 CFR 3001.115(a)).

May 29, 1979—Postal Service answering brief (see 39 CFR 3001.115(b)).

June 13, 1979—(1) Petitioner's reply brief, if petitioner chooses to file such brief (see 39 CFR 3001.115(c)); (2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interests of prompt and just decision may require, in scheduling or dispensing with oral argument.

August 13, 1979—Expiration of 120-day decisional schedule (see 39 U.S.C. § 404(b)(5)).

[Order No. 266; Docket No. A79-17]

[FR Doc. 79-12654 Filed 4-23-79; 8:45 am]

BILLING CODE 7715-01-M

SMALL BUSINESS ADMINISTRATION

Mississippi; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that Attala, Choctaw, Claiborne, Clay, Hinds, Holmes, Issaquena, Kemper, Lawrence, Leake, Leflore, Lowndes, Madison, Marion, Monroe, Neshoba, Newton, Noxubee, Oktibbeha, Rankin, Scott, Sharkey, Warren, Winston and Yazoo Counties and adjacent counties within the State of Mississippi, constitute a disaster area because of damage resulting from severe storms, tornadoes and flooding beginning on or about April 8, 1979. Applications will be processed under provisions of Pub. L. 94-305. Interest rate is 7½ percent. Eligible

persons, firms and organizations may file applications for loans for physical damage until the close of business on June 15, 1979, and for economic injury until the close of business on January 15, 1980, at:

Small Business Administration, District Office, Petroleum Building, Room 690, 200 East Pascagoula, Jackson, Mississippi 39201.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: April 18, 1979.

A. Vernon Weaver,
Administrator.

[Declaration of Disaster Loan Area No. 1816]

[FR Doc. 79-12677 Filed 4-23-79; 8:45 am]

BILLING CODE 8025-01-M

New York; Declaration of Disaster Loan Area

The above numbered Declaration (see 44 FR 11019), and Amendment No. 1 (see 44 FR 18762), are amended by adding Suffolk County and adjacent counties within the State of New York. All other information remains the same, i.e., the termination date for filing application for physical damage until the close of business on April 17, 1979, and for economy injury until the close of business on November 14, 1979.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 13, 1979.

A. Vernon Weaver,
Administrator.

[Declaration of Disaster Loan Area No. 1579; Amdt. No. 2]

[FR Doc. 79-12679 Filed 4-23-79; 8:45 am]

BILLING CODE 8025-01-M

New York; Declaration of Disaster Loan Area

The above numbered Declaration (See 44 FR 11019) Amendment No. 1 (See 44 FR 18762) and Amendment No. 2 are amended by extending the filing date only for Suffolk County applications for loans for physical damage until the close of business on May 17, 1979, and for economic injury until the close of business on November 14, 1979. Kings, Queens and Richmond Counties and adjacent counties within the State of New York remain the same, i.e., the termination date for filing applications for physical damage is until the close of business on April 17, 1979, and for economic injury until the close of business on November 14, 1979.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

² 42 FR 59079-59085 (11/17/77); the Commission's standard of review is set forth at 39 U.S.C. 404(b)(5).

¹ In the Matter of Gresham, S.C., Route #1, Docket No. A78-1 (May 11, 1978).

Dated: April 17, 1979.

A. Vernon Weaver,
Administrator.

[Declaration of Disaster Loan Area No. 1579; Amdt. No. 3]

[FR Doc. 79-12680 Filed 4-23-79; 8:45 am]

BILLING CODE 8025-01-M

Oklahoma; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that Carter, Comanche, Jefferson, Stephens and Tillman Counties and adjacent counties within the State of Oklahoma, constitute a disaster area because of damage resulting from severe storms and tornadoes beginning on or about April 10, 1979. Applications will be processed under the provisions of Public Law 94-305. Interest rate is 7½ percent. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 13, 1979, and for economic injury until close of business on January 14, 1980, at:

Small Business Administration, District Office, 200 N.W. 5th St., Suite 670, Federal Building, Oklahoma City, Oklahoma 73102

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Date: April 17, 1979.

A. Vernon Weaver,
Administrator.

[Declaration of Disaster Loan Area No. 1615]

[FR Doc. 79-12678 Filed 4-23-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Purchase of Trustee Certificates; Extension of Time for Comments

Due to a number of requests from interested parties, the time period for submitting written comments on the application of William M. Gibbons, Trustee of the Chicago, Rock Island and Pacific Railroad Company to secure a commitment of the United States to purchase trustee's certificates in the principal amount of \$22,072,630, as described in the notice appearing in 44 FR 14663 (March 13, 1979) is extended to May 12, 1979. Written comments shall be submitted in accordance with the notice of March 13, 1979.

Dated: April 16, 1979.

Charles Swinburn,
Associate Administrator for Federal Assistance.

[Docket No. RFA505-79-1]

[FR Doc. 79-12685 Filed 4-23-79; 8:45 am]

BILLING CODE 4910-06-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Publication of First and Second Quarter, 1979 Trigger Price Manual

The Treasury Department hereby announces the publication of a Trigger Price Manual which incorporates in one volume all trigger prices announced to date. The Manual is being used during the First and Second Quarters of 1979 by U.S. customs officials at ports of entry. The Manual is being distributed automatically by the Department of the Treasury to all persons on the Department's steel mailing list.

Since January 3, 1978, when trigger prices were first announced on basic steel mill products, numerous additions, adjustments and corrections have been made. Among other changes, trigger price levels have been adjusted to reflect changes in Japanese costs of production and dollar-yen exchange rates. This handbook consolidates all previously published corrections, adjustments and changes that have been generated by, or have come to the attention of, the Treasury Department and Customs Service Headquarters officials involved in administering the Trigger Price Mechanism.

As previously announced, the applicable trigger price for a given imported steel mill product consists of the base trigger price for that product plus appropriate extras, as well as ocean freight, insurance, interest and handling costs. Each of these components is contained in this handbook.

Ocean freight and related costs are differentiated for each of the four major importing regions—the Atlantic Coast, Gulf Coast, West Coast, and Great Lakes.

The base prices herein are stated in U.S. dollars per metric ton and consist of the Japanese cost of production (including overhead and profit) estimated from Japanese-supplied information and other available evidence. All prices contained in this book apply for products exported during both the First and Second Quarter of 1979, with two exceptions: (1) The Electric Furnace Products which were revised downward from the First to the Second Quarter and (2) Freight and

Handling Charges. For Electric Furnace Products both the First Quarter and Second Quarter Trigger Prices are listed if they differ. In the case of freight for all regions and handling charges for West Coast regions, only the Second Quarter figures are listed. To compute First Quarter Freight charges one must deduct \$1 from all Second Quarter freight charges; to compute First Quarter Handling charges for the West Coast, one must deduct \$2 from the Second Quarter figure.

The "extras" lists set forth the prices associated with the additional costs for different specifications, such as width, thickness, chemistry, and surface preparation. Three types of circumstances commonly arise with respect to extras, and will be treated as follows:

(1) If a product embodies extras which are not listed in the handbook, the product does not become exempt from trigger price scrutiny. Instead, in that circumstance the base trigger price plus whatever applicable extras are listed in the handbook will apply.

(2) If a particular product measurement specification falls between two measurement specifications for which an extra is listed, the higher dollar value extra will be utilized, unless otherwise noted.

(3) If a measurement specification falls above or below the range of measurement specifications for which extras are listed, the product is usually not intended to be covered by trigger prices because it is not commonly made in or imported into the United States.

The trigger prices are published in the sequence of the 32 categories of basic steel mill products defined by the American Iron and Steel Institute. The categories for which there is trigger price coverage may be found in the Table of Contents. TSUSA numbers and duty rates are listed for the most commonly imported items in each of these categories. It should be noted, however, that these TSUSA numbers do not include all the products covered by trigger prices when the various extras are applied.

Robert H. Mundheim,
General Counsel.

April 3, 1979.

First and Second Quarter, 1979, Trigger Price Handbook; Table of Contents

Category	Title	Pages
2	Wire Rods.....	2-1 to 2-16.
3	Structural Shapes.....	3-1 to 3-11
4	Sheet Piling.....	4-1 to 4-2
5	Plates.....	5-1 to 5-10

First and Second Quarter, 1979, Trigger Price Handbook; Table of Contents—Continued

Category	Title	Pages
6	Rail and Track Accessories ..	6-1 to 6-5
8	Concrete Reinforcing Bars ..	8-1 to 8-2
9	Bars under 3" ..	9-1 to 9-2
10	Carbon Bars ..	10-1 to 10-8
11	Alloy Bars ..	11-1 to 11-7
12	Cold Finished Bars ..	12-1 to 12-8
14	Welded Pipe and Tubing ..	14-1 to 14-34
15	Other Pipe and Tubing ..	15-1 to 15-53
16	Round and Shaped Wire ..	16-1 to 16-33
19	Wire Fencing ..	19-1 to -
20	Wire Nails ..	20-1 to 20-21
21	Barbed Wire ..	21-1 to -
22	Black Plate ..	22-1 to 22-2
23	Tin Plate ..	23-1 to 23-8
25	Hot Rolled Sheets ..	25-1 to 25-12
26	Cold Rolled and Electrical Steel Sheets ..	26-1 to 26-9
27	Coated Sheets (including galvanized) ..	27-1 to 27-7
29	Hot Rolled Strip ..	29-1 to 29-4
32	Tin-Free Steel ..	32-1 to 32-6

[FR Doc. 79-12635 Filed 4-23-79; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

200-Bed Replacement Hospital VAMC, Vancouver, Wash.; Availability of Draft Environmental Impact Statement

Notice is hereby given that a document entitled "Draft Environmental Impact Statement for the 200-Bed Replacement Hospital, Veterans Administration Medical Center (VAMC), Vancouver, Washington," dated April 1979, has been prepared as required by the National Environmental Policy Act of 1969.

The location of the Medical Center is the existing 48 acre Vancouver VAMC. The replacement facility will have a total of 200 beds, 120 beds for nursing care, 40 for intermediate-term care, and 40 for alcohol and drug abuse treatment. The facility will replace several outmoded buildings presently at the site.

The Draft Statement discusses the environmental impact of the Replacement Medical Center at the present VA site as well as the "No Action" alternative. The document is being placed for public examination in the Veterans Administration office in Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Environmental Affairs Office (66), Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C. 20420, (202) 389-2526. Single copies of the Draft Statement may be obtained on request.

Director, Environmental Affairs Office
(66), Veterans Administration, 810

Vermont Avenue NW., Washington, D.C. 20420.

Dated: April 18, 1979.

By direction of the Administrator.

Maury S. Calle, Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79-12579 Filed 4-23-79; 8:45 am]

BILLING CODE 8320-01-M

Organization Structure

AGENCY:

Veterans Administration.

ACTION:

Notice.

SUMMARY:

On October 2, 1978 the Veterans Administration published and distributed a complete 276-page revision of VA Organization Manual M-00-1, "Organization Manual of the Veterans Administration." Distribution was made internally and to service-oriented organizations. M-00-1 is the official handbook of the overall organizational structure, duties and responsibilities of the Veterans Administration. It describes the purposes and program of the principal organizational elements, and the responsibilities of key officials. Organization charts illustrate interrelationships. A summary of the principal features of the VA organizational structure is presented below.

EFFECTIVE DATE:

October 2, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Otto M. Ireland, Office of Management Services (60), Veterans Administration, 810 Vermont Avenue, N.W.; Washington, D.C. 20420, telephone 202-389-2454.

SUPPLEMENTARY INFORMATION:

The size, cost and low public demand for such a publication make it impracticable to offer it for sale or free distribution. However, copies are available at the Veterans Administration Central Office, Washington, D.C., or any field station, for inspection or copying.

Approved: April 17, 1979.

By direction of the Administrator:

Rufus H. Wilson,

Deputy Administrator.

Statement of Organization

Sec.

1. General.
2. Central Office.
3. Field Stations.
4. Addresses.

Section 1. General.

(a) Authority and functions.

(1) The VA established as an independent agency under the President by Executive Order 5398 of July 21, 1930, in accordance with the act of July 3, 1930, (46 Stat. 1016). This act authorized the President to consolidate and coordinate the U.S. Veterans Bureau, Bureau of Pensions, and National Home for Volunteer Soldiers.

(2) The VA administers a broad system of benefits for veterans and dependents. These benefits include compensation payments for disabilities or death related to military service; pension based on financial need for totally disabled veterans or certain survivors for disabilities or death not related to military service; education and rehabilitation; home loan guaranty; burial, including cemeteries, markers, flags, etc.; and a comprehensive medical program involving a widespread system of nursing homes, clinics, and more than 170 medical centers.

(3) The Board of Veterans Appeals has statutory jurisdiction to decide appeals to the Administrator for benefits under all laws administered by the VA (38 U.S.C. 4001-4009; 38 CFR 19.1-19.3). Decisions are final, except as to issues on insurance contracts which are subject to action in the Federal district courts.

(4) The mission of the VA is to administer veterans' laws effectively, expeditiously and with sympathetic understanding, and to exercise constructive leadership in the field of veterans' affairs. Accordingly, the organization of the VA is designed so that veterans, beneficiaries and their surviving dependents will be provided the best possible service, with the greatest possible effectiveness and economy. In order to accomplish this aim field station Directors are vested (insofar as is feasible) with the authority that will enable them to make locally, without delay, all decisions of vital personal concern to these individuals.

(5) Principal Organizational Elements of the VA.

(i) Essentially the VA is an organization subdivided on the basis of its major purposes. These major purposes fall under three headings: medical care and treatment; administration of various financial assistance programs; and cemetery services and headstones and markers for graves of eligibles in national and private cemeteries. The most important of the financial assistance benefits programs are compensation, pension,

educational assistance, loan guaranty, and life insurance.

(ii) For the first group of major purposes mentioned above there was established the Department of Medicine and Surgery, under a Chief Medical Director. This department administers the VA's field system of medical centers, outpatient clinics and related organizational elements.

(iii) For the administration of the various financial assistance programs the Department of Veterans Benefits, under a Chief Benefits Director, was established. The field system of this department consists primarily of a nationwide network of regional offices.

(iv) To provide the cemetery services a Department of Memorial Affairs was created under a Chief Memorial Affairs Director. The field system of this department consists primarily of a nationwide network of cemeteries.

(v) To provide the independent legal service necessary to furnish legal support to all field elements the General Counsel field service was created. The local District Counsels provide legal assistance and advice geared to local conditions to Directors and staff of all VA field elements.

(vi) Because of the importance of automatic data processing as a powerful tool in the administration of its programs, the VA established an Office of Data Management and Telecommunications. This office provides technical ADP and telecommunications support to all VA activities, and operates VA's data processing centers. It supports the departments and staff offices by participation in the development of ADP application, providing the user elements with expert advice and assistance in technical matters relating to computers and telecommunications, and operates the computer systems when development is completed.

(vii) The existence of departments and staff offices as separate organizational entities does not mean that they are to be sealed off from each other. They must be continuously aware of their interrelationships and interdependence. Indeed, the effectiveness of VA's top management generally rests largely on the exchange of knowledge, understanding, and common enthusiasm for intergrating and improving the VA's professional and administration practices.

(viii) The VA field system also includes "centers" which carry out activities coming under more than one department. The center Director is responsible to the appropriate department head for those matters

coming exclusively under the jurisdiction of that particular department. Where common services are shared at a center one department by agreement assumes responsibility for the management of the common service concerned, but the costs of that service are distributed equitably between the departments.

(6) *The Line of Authority.*

(i) The authority to issue orders to field stations is restricted to the Administrator of Veterans Affairs or the Deputy/Associate Deputy/Assistant Deputy Administrators of Veterans Affairs as well as the Chief Medical Director, the Chief Benefits Director, the Chief Memorial Affairs Director, the Assistant Administrator of Data Management and Telecommunications, the General Counsel, and the Inspector General within their respective departments or staff offices.

(ii) In the field station, the Director and District Counsel are the only officials "in the line" in relationship to Central Office (though the Field Director, for the Department of Veterans Benefits; the Associate Deputy Chief Medical Director for Operations, for the Department of Medicine and Surgery; and the Assistant Inspector General for Audit for the Field Office of Audit of the Office of the Inspector General). The District Counsel reports directly to the General Counsel and is not under the Director either administratively or professionally.

(7) *The Function of the Staff.*

(i) At each level where necessary, staff is provided to assist the line officials. The staff officer furnishes the line officials with technical advice. At no level in the organization (except within his or her own unit or in specific instances where field personnel are acting as extensions of the staff office, notably for the General Counsel, the Controller, Data Management and Telecommunications, and the Inspector General) does a staff officer have direct authority over operations. He or she does not give orders to officials engaged in counterpart activities in the field or in Central Office, though it is both inevitable and desirable that they influence each other. The flow of communication, both formal and informal, through authorized channels, must be such that line and staff fully understand their common problems and utilize their combined capabilities.

(ii) For example, although the Administrator's staff offices have no authority over—or responsibility for—major operating programs they do have a responsibility to inform, advise and appraise for the Administrator the

effectiveness and economy of the VA's operations. To discharge this responsibility the Administrator's staff must be furnished with information and recommendations by the departments. This means that the department heads, who do have authority over and responsibility for operations, also have the responsibility for consulting, working with, and being responsive to the Administrator's staff offices. The heads of operating departments must, on a continuing basis, seek and give full consideration to the advice and guidance which the Administrator's staff is equipped to provide. This interaction between the Administrator's staff offices and operating department heads is essential to bring to the solution of the VA's problems the best knowledges and skills available. Similar interaction is frequently necessary between departments and between staff offices.

(iii) The Office of Human Goals was created as a staff office to advise the Administrator on all matters pertaining to civil rights, equal opportunity and minority affairs.

(iv) To promote economy and efficiency throughout the agency and to detect and prevent fraud, the Office of the Inspector General was created. A comprehensive plan of audits and investigations is carried out at all levels of management, in accordance with policy direction of the Administrator, to provide protection and constructive advice to VA management.

(v) Other staff offices recently established or reconstituted to serve special needs of the Administrator include the Offices of Information Services, Planning and Program Evaluation, Management Services, Administrative Services, and Manpower Programs.

(vi) For reasons of economy and efficiency certain of the Administrator's staff officers in Central Office—notably the Assistant Administrator for Personnel and the Controller—provide staff services to the department heads as well. In providing these services to the department the staff office head is considered as acting in the role of staff officer to the department head concerned, and the channels of communication within the department are as prescribed by the department head.

(8) *Organization: Structure and People.* This notice describes the formal structure of the VA's organization and is necessarily laid out in terms of organizational blocks. The formal structure of an organization is merely the skeleton; the flesh and blood are the people. How well the VA functions in

the fulfillment of its mission depends upon the intelligent and energetic cooperation of people working in a spirit of mutual confidence and trust, and with a common zeal for the constant improvement of service to veterans, their dependents, and their beneficiaries.

(b) *General description of formal organization.*

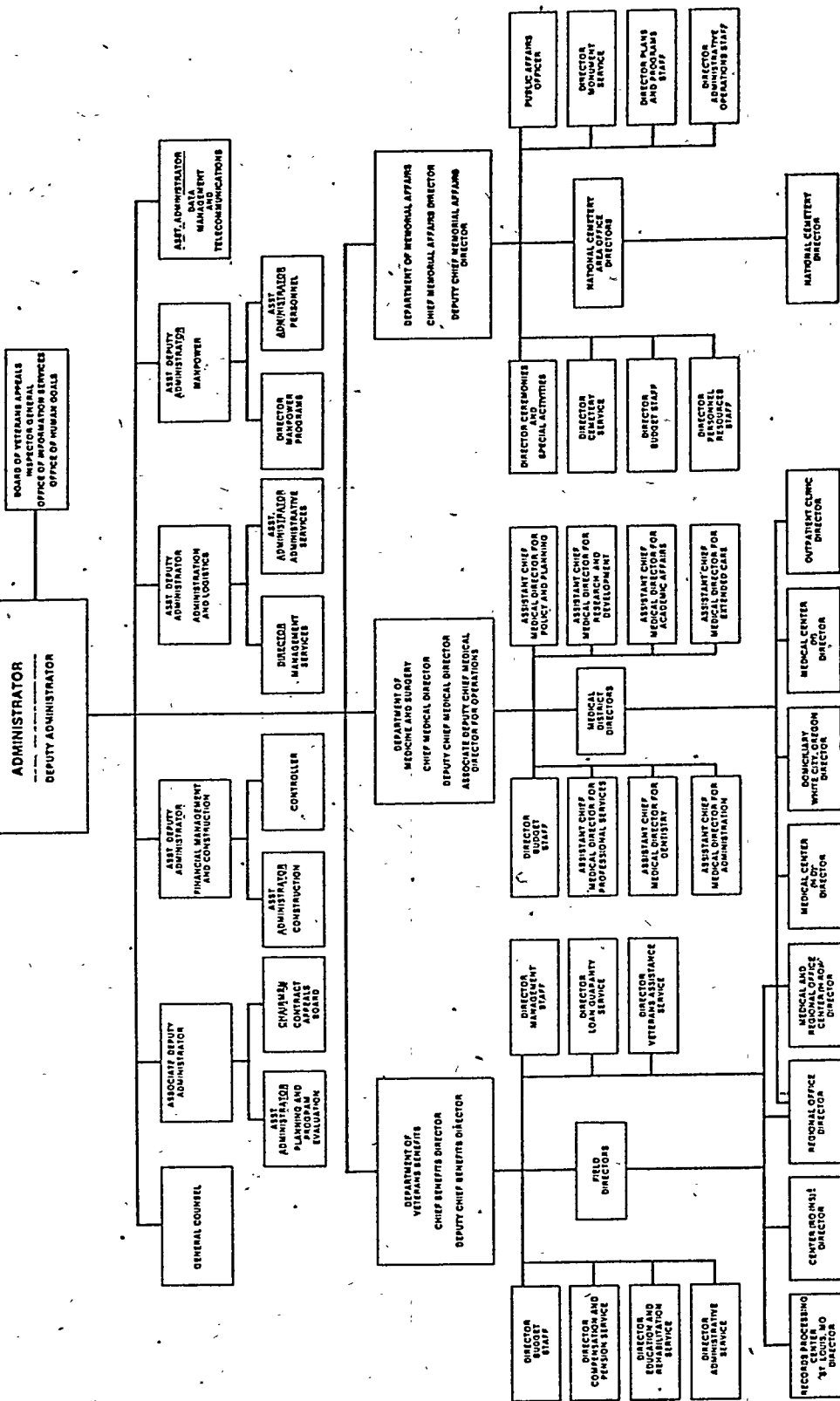
(1) the VA is under the charge of the Administrator of Veterans Affairs, who is responsible for the administration of all laws governing the VA.

(2) The VA is organizationally divided as follows:

(i) *The Central Office.* The Central Office of the VA consists for the following staff offices and departments:

VA ORGANIZATION MANUAL M-00-1

ADMINISTRATOR
DEPUTY ADMINISTRATOR



1. Continued recovery and restructuring
2. Early-out strategy and buy-backs
3. Operational restructuring
4. Continued financial stress
5. Continued operational strategy and restructuring
6. Continued financial stress and restructuring
7. Continued operational strategy and restructuring
8. Continued financial stress and restructuring
9. Continued operational strategy and restructuring
10. Continued financial stress and restructuring

Staff Offices*Office of the Administrator*

The Administrator,
The Deputy Administrator,
Board of Veterans Appeals,
Office of the Inspector General,
Office of Information Services,
Office of Human Goals,
Office of the General Counsel.

Office of the Associate Deputy Administrator

Office of Planning and Program
Evaluation,
Contract Appeals Board.

Office of the Assistant Deputy Administrator for Financial Management and Construction

Office of Construction,
Office of the Controller.

Office of the Assistant Deputy Administrator for Administration and Logistics

Office of Management Services,
Office of Administrative Services.

Office of the Assistant Deputy Administrator for Manpower

Office of Manpower Programs,
Office of Personnel,
Office of Data Management and
Telecommunications.

Departments

Department of Medicine and Surgery,
Department of Veterans Benefits,
Department of Memorial Affairs.
(ii) *The Field Stations.* The term applies to VA installations located in the field, and includes the following:
Regional offices,
Regional offices,
Centers (regional office and insurance center),
Centers (medical center and regional office),
Medical centers (hospital),
Domiciliaries,
Medical centers (hospital and domiciliary),
Outpatient clinics (independent),
VA offices,
Data processing centers,
Field offices of audit,
Supply depots,
Marketing center,
Forms and publications depot,
National cemetery area offices,
National cemeteries.

Section 2. Center Office.*(a) Office of the Administrator and Staff Offices.*

(1) *The Administrator.* The Administrator is responsible to the President for the administration of veterans' affairs and the laws which

govern them and is vested with the authority to operate VA. The Administrator is directly responsible for the establishment of the basic policies governing agency operations; the development and maintenance of its basic organization structure; the interpretation of laws pertaining to veterans' affairs, and the establishment of supplementary regulations; the stimulation and approval of long-range plans; and the development and maintenance of favorable relations with important organizations, groups, and individuals interested in veterans' affairs. As head of an independent agency of the executive branch of the Government, the Administrator is the adviser to the President on veterans' affairs.

(2) *Office of the Executive Assistant.* This office is the central coordinating staff for the Office of the Administrator. It acts as the point of contact for operating matters coming to the Office of the Administrator and is responsible for the last line of review before an action is taken or a decision is made in the operations of the agency. The office also discharges for the Administrator all matters of administrative and support service nature within the Administrator's Office.

(3) The Deputy Administrator.

(i) The Deputy Administrator is the principal assistant to the Administrator in the overall administration of the VA and takes independent action for the Administrator on all problems affecting the VA which do not require the Administrator's personal attention. Acts for the Administrator in the latter's absence.

(ii) The Associate Deputy Administrator, the Assistant Deputy Administrators, the Chief Medical Director, the Chief Benefits Director, the Chief Memorial Affairs Director, the General Counsel, the Assistant Administrator for Data Management and Telecommunications and the Assistant Administrator for Information Services report to the Administrator through the Deputy Administrator.

(4) The Executive Assistant to the Deputy Administrator.

The Executive Assistant to the Deputy Administrator assists the Deputy Administrator in the discharge of administrative duties, provides counsel and advice on the resolution of sensitive problems, and coordinates the activities of the Deputy Administrator's office with intra-agency staffs and outside elements.

(5) The Associate Deputy Administrator.

(i) The Associate Deputy Administrator assists the Administrator and the Deputy Administrator in overall operations of the VA. The Associate Deputy Administrator is responsible for identifying the VA goals and objectives for planning, trends and analyses, management engineering and program evaluation, coordination and intergration of consumer activities and agency study efforts, oversight of system acquisition procedures, and management of the agency Organization and Management Improvement Program and related interagency coordination.

(ii) The Associate Deputy Administrator is also responsible for the VA's emergency planning function, and as such: formulates and recommends to the Administrator general policies, plans, and procedures for VA-wide application; responsible for the development of agency national emergency plans and preparedness programs and the implementation of national civil defense plans and the disaster relief program; plans for the manning and operational capability of VA's emergency relocation sites; and is responsible for the implementation of the relocation of emergency designees under conditions of national emergency.

(iii) The Associate Deputy Administrator acts for the Deputy Administrator in the latter's absence and for the Administrator in the absence of both the Administrator and the Deputy Administrator.

(iv) The Assistant Administrator for Planning and Program Evaluation and Chairman, Contract Appeals Board, report to the Administrator and the Deputy Administrator through the Associate Deputy Administrator.

(6) The Executive Assistant to the Associate Deputy Administrator.

The Executive Assistant to the Associate Deputy Administrator assists the Associate Deputy Administrator in the discharge of administrative duties, provides counsel and advice on the resolution of sensitive problems, and coordinates the activities of the Associate Deputy Administrator's office with intra-agency staff and outside elements.

(7) The Assistant Deputy Administrator for Financial Management and Construction.

(i) The Assistant Deputy Administrator for Financial Management and Construction serves as the senior adviser to the Administrator and the Deputy Administrator in construction and financial management matters and is responsible for coordination of the financial management and construction functions

throughout the VA and for functionally associated relations external to the Agency.

(ii) The Assistant Deputy Administrator for Financial Management and Construction also serves as the Chairperson of the Energy Steering Committee and performs the functions assigned thereto.

(iii) The Assistant Deputy Administrator for Financial Management and Construction acts for the Associate Deputy Administrator in the latter's absence, acts for the Deputy Administrator in the absence of both the Deputy Administrator and the Associate Deputy Administrator, and acts for the Administrator in the absence of the Administrator, the Deputy Administrator, and the Associate Deputy Administrator.

(iv) The Controller and the Assistant Administrator for Construction report to the Administrator and the Deputy Administrator through the Deputy Assistant Deputy Administrator for Financial Management and Construction.

(8) *The Assistant Deputy Administrator for Administration and Logistics.*

(i) The Assistant Deputy Administrator for Administration and Logistics is responsible to the Administrator and the Deputy Administrator for management services agencywide and for coordinating and monitoring Central Office administrative support services and logistics programs and systems including supply, contracting, contract administration, procurement, security, space management, and similar programs and related administration. Functions as the top adviser to the Administrator and the Deputy Administrator on planning, implementing, and maintaining agencywide programs involving Central Office administrative support services and logistics. Advises the Administrator and the Deputy Administrator on agency adherence to the Administrator's policies involving personal service contracts and contracts with private commercial firms.

(ii) The Assistant Deputy Administrator for Administration and Logistics conducts special studies into agency practices involving controversial problems affecting supply, contracting, procurement, security, space management, and similar programs. Recommends changes in policies, programs, and organization based on these studies.

(iii) The Assistant Deputy Administrator for Administration and Logistics serves as the representative

and advocate of the Administrator and the Deputy Administrator with top officials of both the public and private sectors for the purpose of coordinating or clarifying matters concerning supply, contracting, procurement, security, space management, and similar programs.

(iv) The Assistant Deputy Administrator for Administration and Logistics serves as the Chairperson of the Environmental Council and performs the functions assigned to it.

(v) The Assistant Administrator for Administrative Services and the Director, Management Services report to the Administrator and the Deputy Administrator through the Assistant Deputy Administrator for Administration and Logistics.

(9) *The Assistant Deputy Administrator for Manpower.*

(i) The Assistant Deputy Administrator for Manpower is responsible to the Administrator and the Deputy Administrator for manpower programs and systems (including personnel management and training, manpower utilization, productivity and work measurement, and position management); also functions as top adviser to the Administrator on planning, maintaining and evaluating an agencywide system to ensure the most efficient and economical use of manpower resources throughout the VA.

(ii) The Assistant Deputy Administrator for Manpower is responsible for policies and systems for determining manpower resources distribution throughout the agency, and recommends methods for increasing the effectiveness of manpower management agencywide. Monitors manpower policy and analysis for the Administrator and the Deputy Administrator.

(iii) The Assistant Deputy Administrator for Manpower independently reviews major manpower programs and planning efforts and advises the Administrator and the Deputy Administrator on needed improvements. Develops policies, standards, and guidance for evaluating the effectiveness of manpower utilization throughout the VA.

(iv) The Assistant Administrator for Personnel and the Director, Manpower Programs, report to the Administrator and the Deputy Administrator through the Assistant Deputy Administrator for Manpower.

(10) *Board of Veterans Appeals.*

The Chairman, pursuant to statute, has jurisdiction over and is responsible to the Administrator for the activities of the Board of Veterans Appeals in the consideration and determination of

appeals for benefits under all laws administered by the VA. In the course of appellate responsibility the Chairman identifies for the Administrator policies, practices and legislative provisions relating to veterans' benefits considered to be in need of study or modification.

(11) *Office of the Inspector General.*
The Inspector General—

(i) Conducts and supervises audits and investigations relating to programs and operations of the VA.

(ii) Provides leadership and coordination and recommends policies for activities designed to promote economy and efficiency in the administration of, and to prevent and detect fraud and abuse in, such programs and operations.

(iii) Keeps the Administrator of Veterans Affairs fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action.

(iv) Supervises, coordinates, and provides policy direction for auditing and investigative activities relating to programs and operations of the VA.

(v) Recommends policies for, and conducts, supervises, or coordinates other activities carried out or financed by the VA for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, its programs and operations.

(vi) Recommends policies for, and to conduct, supervise, or coordinate relationships between the VA and other Federal agencies, State and local Governmental agencies, and nongovernmental entities with respect to all matters relating to the promotion of economy and efficiency in the administration of, or the prevention and detection of fraud and abuse in, programs and operations administered or financed by the VA, or the identification and prosecution of participants in such fraud or abuse.

(vii) Keeps the Administrator fully and currently informed, by means of various reports and otherwise, concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs and operations administered or financed by the VA, recommends corrective action concerning such problems, abuses, and deficiencies, and reports on the progress made in implementing such corrective action.

(12) *Office of Information Services.*
The Assistant Administrator for Information Services—

(i) Formulates and recommends to the Administrator basic policies governing VA public information programs.

(ii) Advises the Administrator and other VA management on public interest, attitude, understanding and probable response regarding VA policies, programs and actions and develops procedures for meeting VA's responsibility to keep the public informed.

(iii) Develops, conducts, coordinates and reviews programs for informing those with particular interest in VA activities and accomplishments in specific fields and in particular offices or departments.

(iv) Measures the result of VA public information programs and keeps the Administrator and other VA officials apprised of their success.

(v) Develops and maintains relationships with national information outlets and contracts.

(vi) Obtains, assembles, prepares, coordinates and release information and promotional material on VA benefits for veterans and their dependents and information on the operation of VA to press, radio, television and other media.

(vii) Gives technical advice on speeches, articles, pamphlets, movies, posters, slide presentations and other informative items that may be issued by other VA offices and reviews them for possible policy conflicts.

(13) *Office of Human Goals.* The Assistant Administrator for Human Goals and Director, Equal Employment Opportunity—

(i) Serves as the Administrator's principal adviser on and Director of Equal Employment Opportunity.

(ii) Provides advice, guidance and assistance to the Administrator, department heads and top staff officials on those matters pertaining to Civil Rights, Equal Employment Opportunity and Affirmative Action.

(iii) Works closely with departments and staff offices to facilitate communication and problem resolutions as may be necessary and required.

(iv) Collaborates and coordinates with departments and staff offices on specific civil rights matters needing resolutions.

(v) Maintains coordination and liaison functions with departments and staff office to ensure that equal employment principles are followed and affirmative action goals achieved in all VA programs.

(vi) Collaborates with departments and staff offices, and recommends to the Administrator, policy guidance, operating standards and procedures, and related assistance on civil rights

matters that are germane to VA's Affirmative Action Plan.

(vii) Provides an oversight function to ensure affirmative action and non-discrimination for special emphasis programs focused upon disabled and Vietnam era veterans, racial and ethnic minorities, women and handicapped individuals.

(viii) Recommends to the Deputy Administrator actions to ensure a continuing emphasis on the participation of women and minority business entrepreneurs in contracting for goods and services.

(ix) Provides advice, policy guidance and technical assistance to departments and staff offices on matters pertaining to Equal Opportunity and Affirmative Action requirements, agency goals, criteria and timetables for achieving stated EEO objectives.

(x) Collaborates with departments and staff office heads and other top staff officials in recommending programs to remove communication and sensory barriers, especially those of language and culture, between the VA and all who are entitled to VA benefits and services.

(xi) In Collaboration and coordination with departments and staff offices, recommends actions to ensure that the facilities of the VA and those institutions participating in its programs are in full compliance with legislation affecting disabled and Vietnam era veterans, handicapped individuals, racial and ethnic minorities and women.

(xii) Works closely and cooperatively with other VA elements, making use of their reports and statistical data, to conduct special studies and research in those areas pertaining to civil rights, human goals, affirmative action and equal employment opportunity programs.

(xiii) Coordinates activities of the Federal Women's and Hispanic programs as they relate to the overall human goals objectives.

(xiv) Participates, as appropriate, in the VA's 5-year planning process.

(14) *Office of the General Counsel.* The General Counsel—

(i) Serves as chief officer of the VA in all matters of law and legislation.

(ii) As the chief law officer of the VA, is responsible to the Administrator for the interpretation of all laws administered by or pertaining to the VA, and for establishing precedents, binding upon all officers and employees of the VA and upon all claimants and other persons concerned.

(iii) Renders legal advice (formal and informal) and other legal services upon request to all department heads and top

staff officers. Is the attorney for the Administrator in all civil actions in State courts and in independent actions in the Federal courts, and represents the Administrator in all actions in the Federal courts in cooperation with the Department of Justice, and keeps all interested VA officials informed. Makes final disposition of tort claims within the limitations of the Federal Tort Claims Act, and renders cooperative assistance to the Department of Justice on all actions involving the VA or VA officials.

(iv) Cooperates informally with all department heads and top staff officers in the formulation of governing regulations and amendments and reviews for legal correctness all such regulations or directives.

(v) Serves as the point of contact with all governmental offices on legal and legislative matters, including, in addition to the Department of Justice, the Office of the Comptroller General, and the Judge Advocate General of the Armed Forces. Reports to the Department of Justice all matters arising in the VA involving probable violation of Federal penal statutes and cooperates with the Department of Justice as requested in their disposition.

(vi) Supervises and coordinates all matters pertaining to proposed legislation, Executive orders, and proclamations affecting the VA, including the preparation of proposed legislation, Executive orders, and proclamations, and the preparation of all reports concerning such matters to committees of Congress, the President, the Office of Management and Budget, and other executive agencies.

(vii) Develops and coordinates VA policy pertaining to proposed legislation, Executive orders, and proclamations; and records such policy upon approval by the Administrator.

(viii) Represents the Administrator in congressional committee and other hearings and in interdepartmental conferences on legislative matters.

(ix) Receives and as directed by the Administrator disposes of all requests from congressional committees and subcommittees (other than Appropriations) or their staffs, except oral requests for purely routine administrative data, and clears all letters and other communications to such committees initiated in the VA.

(x) Collaborates and coordinates with the Controller legislative language in drafts and amendments of appropriation bills, and related communications.

(xi) Receives and as directed by the Administrator disposes of all request on the VA for preparation of drafts of bills or comment, formal or informal, on

proposed legislation or for information concerning pending legislation.

(xii) Arranges for attendance of VA personnel as witnesses or observers at meetings of congressional committees (other than Appropriations). Receives and disposes of all requests for detail or assignment of personnel to work with congressional committees or their staffs.

(xiii) Prepares compilations of Federal laws pertaining to veterans, annotated, indexed, and cross-referenced, in accordance with 38 U.S.C. 215, or as otherwise authorized, and pamphlets, resumes, releases, and documents pertaining to veterans legislation, as required. Maintains legislative historical records and service.

(xiv) Maintains liaison with Senate and House Committees, as well as Members of Congress.

(xv) As the designee of the Administrator, makes the agency decision on formal complaints of discrimination filed by VA employees or qualified applicants for employment.

(xvi) Represents the VA during proceedings in cases coming within the purview of title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973 and title III of the Age Discrimination Act of 1975, after a determination that compliance cannot be secured by voluntary means.

(xvii) Prepares the Government defense in case of appeals of contractors from decisions of VA Contracting Officers under construction, architect-engineer, and supply contracts, in Central Office and at field stations. Represents the VA Contracting Officers before the VA Contract Appeals Board and provides counsel to represent the Government in appeals under supply contracts.

(xviii) Where legal representation is required in labor relations matters, represents the VA in formal administrative proceedings before the Federal Labor Relations Council, the Federal Services Impasses Panel and the Assistant Secretary of Labor.

(xix) Supervises and maintains a field legal service composed of District Counsels and their staffs located at appropriate field stations to act for the General Counsel as directed and provide legal advice and service to all field elements.

(15) *Office of Planning and Program Evaluation.* The Assistant Administrator for Planning and Program Evaluation, reporting to the Administrator through the Associate Deputy Administrator, and in coordination and collaboration with departments and staff offices, formulates and recommends general

policies pertaining to the following areas: Planning; Top Management Information System; Agency Studies Program; Systems Acquisition Management; Program Evaluation and Appraisal; Consumer Representation; and Emergency Planning. Additional functions are as follows:

(i) Coordinates and integrates planning to support the agency's mission, goals, and objectives.

(ii) Furnishes advice, guidance, and assistance to the Administrator, department heads, and top staff officials in connection with the above activities.

(iii) Coordinates the implementation of the 5-year planning process and long range projections and trends.

(iv) Identifies agency top management information requirements and plans for an agency information system.

(v) Directs the conduct of 38 U.S.C. 219 program evaluations, systems analysis studies, surveys, and special studies authorized by the Administrator.

(vi) Reviews and provides advice to the Administrator, departments and staff offices concerning organization functions and missions.

(vii) Serves as Major Systems Acquisition Officer for the Agency.

(viii) Establishes agency Major Systems Acquisition Management policy and procedures.

(ix) Provides major systems oversight through arranging and conducting in-process reviews and periodic reports.

(16) *Contract Appeals Board.* The Contract Appeals Board is an integral part of the Office of the Administrator, reporting through the Associate Deputy Administrator. Under the Chairman, this Board, by the delegation of authority from the Administrator, acts as the Administrator's authorized representative to:

(i) Hear and decide appeals from decisions of contracting officers arising under contracts which contain provisions requiring the determination of appeals by the head of an agency or a duly authorized representative or Board.

(ii) Conduct hearings, administrator oaths and affirmations, take testimony and affidavits, order production of documents and other evidence and dismiss proceedings when warranted.

(iii) Perform such other functions as may be assigned by the Administrator. The Board is authorized to require VA contracting officers and other VA officials to furnish the board with such information, technical data and other assistance as the Board may require in the performance of its duties.

(17) *Office of Construction.* As Chief Administrator for the VA construction

program the Assistant Administrator for Construction:

(i) Formulates and recommends general policies and plans of VA-wide application pertaining to the following: medical facility requirements for the Department of Medicine and Surgery; design and construction of buildings, structures, and utilities; real property management, including acquisition; economical utilization and disposal of real property and interests therein; cemetery property acquisition and coordination of technical services support for the Department of Memorial Affairs and space management including agency negotiations with the General Services Administration and the consummation of all VA leases for space.

(ii) Advises and assists the staff and the heads of the departments in connection with these activities, and appraises for the Administrator the effectiveness and economy of these activities.

(iii) Interprets administratively, for the Administrator and staff and the department heads, regulations, decisions, and directives of other governmental bodies concerned with these activities.

(iv) Upon consultation with heads of operating departments concerned, develops and takes action to obtain necessary approvals of fiscal year construction programs to provide, improve and convert facilities, meeting requirements of the operating departments, consistent with current legislative and executive policy and VA responsibilities.

(v) Formulates, for inclusion in the consolidated VA budget, annual estimates for VA construction programs, and participates, with the Controller and department heads concerned, in presentation of the budget for construction programs before the Office of Management and Budget and the Congress.

(vi) Directs and controls all design and construction of hospital, domiciliary, and other facilities and major alterations and, in conformance with professional standards and operating requirements as defined in collaboration with the operating departments concerned, and within established program and appropriation limitations. Delegates within his/her discretion, minor construction projects to other departments in conjunction with the Construction Methods Determination Board.

(vii) Takes action for the VA to acquire real property and property interests in fee, in accordance with

approved program requirements, and to dispose of such real property and interests where excess to the needs of the VA (not including transactions within the veteran's Loan Guaranty Program).

(viii) Acts as duly authorized representative of the Administrator under provisions of contracts related to assigned activities except hearing and decision appeals from the decisions of the VA Contracting Officers.

(ix) Provides staff support to the Chief Benefits Director and the Assistant Administrator for Data Management and Telecommunications on real property management activities.

(x) Directs the applications of ADP to all programs and operational areas in the Office of Construction.

(18) *Office of the Controller.* The Controller is responsible for the financial and statistical management of the agency in the following areas: budget; finance; and reports and statistics. The Controller's responsibilities are as follows:

(i) Acts as the Administrator's agent in all matters pertaining to budget formulation and execution and liaison with OMB, Congressional Appropriation Staffs and other Government agencies.

(ii) Operates for the VA the financial management program and serves the staff office and department heads relating to all financial matters.

(iii) Operates a centralized reports and statistics service for the VA and serves staff office and department heads on matters relating to these activities.

(iv) Performs independent reviews and evaluates the VA construction program.

(v) Advises the Administrator and department heads on fiscal status, progress and problems currently existent or potentially imminent in and between VA programs, and makes recommendations for needed adjustments in funding, policies, and existing operational financial plans, in keeping with overall VA objectives and funding availability.

(vi) Maintains overall agency financial accounts; controls the allocation, apportionment, and intra-agency transfer and adjustment of funds; and controls agency funding transactions with the Department of the Treasury, including the evaluation of antideficiency violations and the reporting actions required thereon.

(vii) Conducts surveys and reviews, and prepares analyses of recommendations on financial management problems in current and long-range plans, agencywide.

(viii) Formulates and recommends standards, policies and plans pertaining to the operation of the VA integrated reporting system and the control of the creation of reports, including periodic reviews of data requirements. Provides for the consolidation and submission of consolidated, agencywide, fiscal funding and other resource reports, estimates and requests, pertinent to the controllership activities of the departments and staff offices as required by the Administrator, by other governmental agencies, congressional committees, Members of Congress, and other authorized individuals.

(ix) Collaborates with the General Counsel on the financial and budgetary aspects of proposed or pending legislation for VA, and recommends to the Administrator legislation required to improve controllership functions.

(x) Interprets for the Administrator and staff office heads, in fiscal terms, the laws and the regulatory measures of other governmental bodies which have a direct bearing on VA controllership activities.

(xi) Serves as the principal representative of the VA with other governmental agencies and offices and the Congress on controllership matters, and in the coordination of VA controller activities and programs with all authorized external agencies.

(xii) Provides for staff support in the methodology of statistical research, the conduct of and collaboration in statistical research studies of the effectiveness of substantive programs, and the development of official veteran population estimates and socioeconomic data on veterans, their dependents and survivors for use in current and long-range program planning.

(xiii) Provides for ADP systems in such areas as fiscal accounting, manpower administration, automated management information, and statistical analysis.

(xiv) Serves as the principal representative of the VA with organizations requesting lists of names and addresses of veterans (other than the educationally disadvantaged) and/or their dependents.

(xv) Administers Fiscal Manpower Planning and Career Development programs.

(19) *Office of Management Services.* The Director, Office of Management Services, in coordination and collaboration with departments and staff offices formulates and recommends for VA-wide application, general policies pertaining to the following areas: mail management; employee and beneficiary travel management;

administrative issues management; forms, form letters, and correspondence management; records management; and the coordination and monitoring of Central Office administration support services and logistics including supply, contracting, contract administration, procurement, security, space management, and similar programs and administration. The Director furnishes advice, guidance, and assistance to top management, and department and staff office heads in connection with these activities.

(20) *Office of Administrative Services.* The Assistant Administrator, Office of Administrative Services, is responsible for providing general administrative services, including the following:

(i) *Services—VA-Wide:* supplemental claimant identification from microfilm index backup file and development of veterans records; preparation of notice of death input to BIRLS (Beneficiary Identification and Records Locator Subsystem) for all death notices received in Central Office, including in-service casualty notices and notices received from the Federal Bureau of Investigation; printing (including composition and artwork), duplicating, copying and storage and distribution of printed materials; and an audiovisuals program including exhibits, production and presentation and film production, and distribution.

(ii) *Services—Central Office:* mail, telecommunications, and maintenance of Central Office records; employee travel; supply, including procurement services; maintenance of office furnishings and equipment; emergency preparedness functions, including operation of the public shelter program, safety and fire protection program, and building security; and space management, including coordination with General Services Administration concerning building improvements and maintenance for all buildings in the Washington area except the VA Medical Center (hospital).

(iii) The Assistant Administrator for Administrative Services formulates and recommends policies relating to the above operations; conducts staff studies and maintains continuing evaluation and control of these operations to insure effective and economical operations; provides guidance and assistance to staff offices and departments in the above operations; and maintains liaison with the Joint Committee on Printing and the Government Printing Office, and maintains operating contacts with other Government agencies, public utilities, and other public and private

organizations to coordinate and improve service and support in these activities.

(21) *Office of Manpower Programs.* The Director, Office of Manpower Programs is responsible for the following:

(i) Establishes policy, direction, control and accountability for efficient and effective use of manpower resources and position allocation management.

(ii) Devises more effective procedures for managing manpower allocation authority and control and use of manpower spaces. Monitors and evaluates use of FTE (full time employment) as personnel ceiling control.

(iii) Develops improved techniques for utilizing manpower more effectively and efficiently.

(iv) Establishes evaluation criteria and monitors manpower management effectiveness.

(v) Reviews and assesses proposed directives and legislation for manpower management implications.

(vi) Exercises overview responsibilities for an integrated, centrally controlled and automated manpower data system that provides for rapid collection and production of manpower management information.

(vii) Recommends organizational configurations suitable for the best possible use of available management resources at lowest possible cost.

(viii) Develops and recommends agency level productivity policies and productivity measurement standards. Designs methods, procedures and techniques for improving productivity and the efficient use of manpower resources.

(ix) Establishes standardized policies relating to the development, conduct, use and maintenance of work measurement programs.

(x) Keeps abreast of manpower implications of technological advances which change roles, missions and concepts of VA operations.

(xi) Acts as agency liaison in the administration of the National Productivity and Quality of Working Life Act of 1975 (Public Law 94-136, November 28, 1975). In collaboration with the Office of Planning and Program Evaluation participates in the Annual Federal Productivity Measurement Project.

(xii) Develops integrated agencywide manpower plans for incorporation in the VA 5-Year Plan, to include manpower cost estimates, productivity, and other relevant manpower considerations.

(22) *Office of Personnel.* The Assistant Administrator for Personnel is responsible for the following:

(i) Is the Director of Personnel for the agency and is responsible for the personnel program of the VA; advises and assists the Administrator and top agency officials on all personnel matters; provides leadership and overall direction for effective and efficient personnel management throughout the agency.

(ii) Establishes objectives and initiates programs to obtain, develop, and maintain an effective work force for the successful accomplishment of the missions of the agency; formulates plans, policies, systems, and procedures for the personnel management throughout the agency; appraises for the Administrator the effectiveness and economy of personnel management and takes corrective action or recommends improvements to the Administrator and department heads.

(iii) Is the principal representative of the agency with the Civil Service Commission, unions, and other employee organizations; represents the Administrator before the Congress, the Office of Management and Budget and other Federal agencies on matters relating to VA personnel management.

(23) *Office of Data Management and Telecommunications.* The Assistant Administrator for Data Management and Telecommunications is responsible for the following:

(i) Operation of the Office of Data Management and Telecommunications which offers VA users a complete range of data processing and telecommunications services including consultation, planning, technological evaluations, systems design and development and system production.

(ii) Serves as principal advisor to the Administrator and the VA ADP Review Group on data processing and telecommunications policies, practices and plans. Serves as the coordinator for all external ADP (automatic data processing) matters for the VA. Specifically, is responsible for the conduct of activities which have agencywide significance; i.e., technical ADP and telecommunications support to department and staff elements; ADP training for both users and ADP staffs, integrated long-range ADP and telecommunications planning, ADP and telecommunications hardware planning and acquisition, system software and operating systems, standards for system design and programing design, effective utilization of agency data base, data processing center operations, programing and operating support to

agency field stations, and outside computer and programing contracts. Appraises the effectiveness and economy of all activities under the jurisdiction of the department. Recommends to department heads and staff office heads areas that appear to be susceptible to ADP, as well as improved ways and means of using VA information processing resources.

(iii) Assures that systems developed or proposed for development by the VA departments and staff elements are compatible with existing, planned or potential ADP capabilities and applications, and that when data is to be transferred between systems effective interfaces and linkages are provided. Assures that the VA data resources is controlled and managed. Establishes policies, objectives and goals for the Office of Data Management and Telecommunications consistent with ADP planning processes.

(b) *Departments.*

(1) *Department of Medicine and Surgery.* The *Chief Medical Director* has jurisdiction over and is responsible for the activities of the Department of Medicine and Surgery; insures complete medical and hospital service for the medical care and treatment of veterans as prescribed by title 38, United States Code, and other statutory authority and regulations; and formulates and recommends to the Administrator general policies and plans of VA-wide application.

The *Executive Assistant to the Chief Medical Director* is responsible for the following: provides administrative support to the Chief Medical Director; monitors Medical Administration and Miscellaneous Operating Expenses ceiling, funds, space, and communications; supervises the Communications and Inquiries Staff; is responsible for coordination and liaison with all other departments and staff offices of the agency in determining departmental and agency policy for the Chief Medical Director; assists the Chief Medical Director in the development and formulation of affirmative action programs for employment and utilization of minority groups; coordinates the department's Civil Rights activities including the department's Equal Employment Opportunity program; provides staff leadership to insure timely and meaningful responses through an efficient communications and inquiries program; is responsible for monitoring for the Chief Medical Director departmental position management efforts to meet the established objectives with respect to organizational alignments, functional

assignments and staffing, and employee and fund utilization; and supervises and coordinates the activities of the Investigations Staff.

The *Deputy Chief Medical Director* serves as the immediate and full assistant to the Chief Medical Director and, as delegated by the Chief Medical Director or in the Chief Medical Director's absence, performs any statutory or other duty which the Deputy is required or authorized to perform with respect to the department; supervises field operations and budget administration for the Office of the Chief Medical Director; and coordinates the development and formulation of departmental budgets.

The *Associate Deputy Chief Medical Director for Operations* is accountable to and serves the Deputy Chief Medical Director by carrying out the following specific responsibilities: exercises direct line supervision through the Medical District Directors for the overall management of all field facilities in the Department of Medicine and Surgery; provides liaison and coordination with Assistant Chief Medical Directors for Policy and Planning, Academic Affairs, Professional Services, Administration, Research and Development and Dentistry to insure operational input into departmental planning, program and policy formulation and assures timely and effective implementation of approved plans, programs and policies; serves as a member of the Policy and Planning Board; serves as Chairperson of the Appraisal Committee and approves personnel actions for other field positions not included in the Appraisal Committee's scope which are centralized or controlled by the Department of Medicine and Surgery; approves Medical District/facility missions and distributes workload; distributes resources for operations to Medical District/facilities; participates in the development of budgetary requirements for field facilities; evaluates operating performance and effectiveness at the Medical District level; coordinates, directs implementation, and follows up approved recommendations in external and internal reports on operations; assures effective utilization of facilities and coordinates approved plans for construction; provides management support to field activities in areas of regionalization, sharing, hospital organization, and management development and activation; provides liaison between Medical Districts/field facilities and Central Office elements; serves as rating official for Directors of field facilities and approving official for

Assistant Directors and Chiefs of staff; assures that staff in the operating arm of the Department of Medicine and Surgery makes periodic visits to Medical Districts/field facilities for the purpose of obtaining firsthand knowledge of operations; serves as focal point in the Department of Medicine and Surgery for developing policy and plans for the conduct of the department's Emergency Preparedness and Civil Defense programs; and represents the department in its emergency preparedness contacts with a variety of Federal and non-Federal agencies and organizations.

(i) *Office of the Assistant Chief Medical Director for Policy and Planning.* The Assistant Chief Medical Director for Policy and Planning performs the following functions:

(a) Responsible to the Chief Medical Director for the development, formulation, and coordination of Departmental health care policies, planning, statistical reporting and quality assurance functions.

(b) Serves as Chairperson of the Policy and Planning Board to provide for the integrated participation of key Department of Medicine and Surgery officials in the formulation and recommendation of major policies and plans.

(c) Initiates and coordinates studies as necessary to develop major policies, priorities and plans.

(d) Coordinates 38 U.S.C. 219, Program Evaluation program determination, goal and objective formulation and evaluation instrument review; additionally, adjunct responsibility of review, comment, and concurrence on draft reports.

(e) Provides management of the departmental advisory committees and for the participation of designated VA officials in interagency committees and councils.

(f) Develops and coordinates legislative proposals for the department; recommendations and positions on proposed legislation, including estimates of impact on the department.

(g) Responsible for policy and planning activities for Department of Medicine and Surgery construction program and for necessary coordination of these activities with the Associate Deputy Chief Medical Director for Operations, other Department of Medicine and Surgery elements, and the Assistant Administrator for Construction.

(h) Develops and coordinates the departmental information and statistical reporting systems and provides statistical analytical services.

(i) Evaluates and assesses on a continuous basis the quality of care provided by the department.

(j) Maintains liaison for the department with the General Counsel in all matters relating to claims and litigation stemming from alleged medical malpractice and other matters of medical jurisprudence.

(k) Reviews and monitors medical malpractice claims and litigation to determine apparent causes, trends and results of such actions and to provide reports and recommendations resulting therefrom as are appropriate to the Chief Medical Director and other professional and administrative elements of the department.

(l) Coordinates and reviews, when appropriate, expert medical opinions provided by Professional Services as requested by the General Counsel in the preparation of claims for settlement or defense by the U.S. Attorney.

(m) Provides leadership, guidance and participation in medical-legal education lectures, seminars, workshops and other programs and disseminates information throughout the department.

(ii) *Office of the Assistant Chief Medical Director for Professional Services.* The Assistant Chief Medical Director for Professional Services performs the following functions:

(a) Responsible to the Chief Medical Director for a balanced array of Professional Services which will provide support to the Associate Deputy Chief Medical Director for Operations, other elements of Central Office and to field facilities in those areas of expertise listed under the Deputy Assistant Chief Medical Director for Clinical Services and the Deputy Assistant Chief Medical Director for Clinical Support Services, and their Services.

(b) Responsible for each Deputy and Service carrying out their assigned functions. Responsibilities of Professional Services include: provision of professional advice and appropriate staff studies for use by the Assistant Chief Medical Director for Policy and Planning; dissemination of technical, professional and nondirective information to field facilities; provision of consultative professional advice to the Associate Deputy Chief Medical Director for Operations; provision of appropriate membership (Central Office or field) for appraisal activities; serving as sole source of expertise in their professional discipline for Central Office and field facilities; and provision of expert professional opinions (Central Office, field or consultant) for use in resolution of Department of Veterans

Benefits, Board of Veterans Appeals or Tort Claims cases.

(c) Responsible for the conduct of Chief of Staff program: identification, selection, training, promotion and recommendation for placement. Receives input from the Associate Deputy Chief Medical Director for Operations regarding these activities.

(d) Responsible for monitoring title 38 personnel system for physicians and making appropriate recommendations concerning Professional Standards Boards and title 38 procedures.

(e) Responsible for proper coordination between Services, between Services and other Central Office elements, and between Services and the Associate Deputy Chief Medical Director for Operations.

(f) Provides interpretation of policy to Central Office and field as affects professional activities, both general and specialized.

(g) Coordinates the efforts of the Professional Services in the development of VA plans, policies and professional standards for ambulatory care (including emergency medical services).

(iii) *Office of the Assistant Chief Medical Director for Administration.* The Assistant Chief Medical Director for Administration performs the following functions:

(a) Responsible to the Chief Medical Director for the administrative services of the department.

(b) Serves as Chairperson, National VA Volunteer Service Committee.

(c) Furnishes staff assistance to the Chief Medical Director by conducting studies and specialized reports relating to Department of Medicine and Surgery activities.

(d) Provides support and guidance to other elements within the agency in programs which interface with the administrative services of the department.

(e) Serves as liaison with consumer groups regarding administrative services.

(f) Acts as the responsible officer for the agency Environmental Impact Statements.

(g) Serves as the agency's Safety and Occupational Health Official.

(iv) *Office of the Assistant Chief Medical Director for Research and Development.* The Assistant Chief Medical Director for Research and Development performs the following functions:

(a) Responsible to the Chief Medical Director for the overall administration and coordination of the R&D (Research and Development) activities of the

Department of Medicine and Surgery in the fields of biomedical, rehabilitative engineering including prosthetic research, health systems or services, and clinical care evaluation programs. Fulfills these functions by:

(1) Planning in broad terms the programs of biomedical, rehabilitative engineering, and health services to implement the department's mission of providing complete medical care and treatment of veterans, assuring that such plans are coherent with those of other components of the VA.

(2) Formulation, and where pertinent, obtaining approval of broad overall policies for research and development in the Department of Medicine and Surgery.

(3) Interpretation and implementation of such broad policies by Health Services Research and Development Service, Medical Research Service, and Rehabilitative Engineering Research and Development Service, assuring that their policies are consistent with the general ones.

(4) Advice and assistance to the Chief Medical Director and other components of the Department of Medicine and Surgery in their formulation of policies and plans through representation on the policy and Planning Board.

(5) Delegation of such authority to the Health Services Research and Development, Medical Research, and Rehabilitative Engineering Research and Development Services as they require to plan and execute research and development functions, under accepted policies, within their respective areas.

(6) Assignment of direct accountability to the Health Services Research and Development, Medical Research, and Rehabilitative Engineering Research and Development Services for such programs as are assigned to them, evaluating their performance under the programs in terms of planning and execution.

(7) Preparation and presentation of the overall budget for Research and Development in cooperation with the Health Services Research and Development Service, Medical Research Service, and Rehabilitative Engineering Research and Development Service, and with the Budget Staff.

(8) Fiscal administration of Research and Development, as pertinent through the component services.

(9) Supervision and administration of the mechanism for the protection of rights of human subjects participating in Research and Development projects.

(10) Preparation and dissemination of reports, information and related material on subjects within the scope of

Research and Development's functions. Maintenance of an information system covering all Research and Development projects.

(11) Representation of the VA, Department of Medicine and Surgery, and Research and Development by membership and participation in relevant professional societies, other Government agencies, and other organizations.

(12) Such other functions as may be assigned by the Chief Medical Director.

(b) Provides support in the areas of Research and Development to other components in Central Office of the Department of Medicine and Surgery and through the Office of the Associate Deputy Chief Medical Director for Operations to the field facilities.

(c) Primary responsibility for representing the agency in contacts with professional societies, associations, and other governmental and nongovernmental organizations in matters related to research and development of biomedical, rehabilitative engineering, and health services fields.

(v) *Office of the Assistant Chief Medical Director for Academic Affairs.* The Assistant Chief Medical Director for Academic Affairs performs the following functions:

(a) Responsible to the Chief Medical Director for the education and training activities and academic relationships of the Department of Medicine and Surgery, and in this connection.

(b) Recommends policies and plans for a program of training and education of health service and administrative personnel for the medical care and treatment of veterans and to assist in meeting the health manpower needs of the Nation, acting in cooperation with schools of medicine, dentistry, osteopathy, nursing and other health related manpower institutions.

(c) Develops and administers programs for the utilization of basic and new types of health care personnel, including the development and evaluation of new health careers, interdisciplinary approaches, and career advancement opportunities.

(d) Develops and administers extramural grant support programs relating to medical school assistance and health manpower training.

(e) Develops criteria for assessing affiliation relationships and establishes composite profiles of educational program relationships.

(f) Develops, coordinates and monitors Department of Medicine and Surgery activities in Community Health

Education programs and patient health education.

(g) Provides staff leadership for such centralized education and training personnel as Associate Chief of Staff for Education and Directors of Regional Medical Education Centers.

(h) Conducts continuing review and evaluation and training activities in order to meet the changing needs of the Department of Medicine and Surgery medical care program.

(i) Determines and recommends budgetary proposals relating to education and training activities and related learning resources, in consultation, as appropriate with concerned Central Office elements.

(j) Represents the education, training, and academic elements of the department in policy and planning activities and serves as a member of the Policy and Planning Board.

(k) Represents the VA in educational and academic matters with other Federal agencies, State and community organizations and professional associations.

(v) *Office of the Assistant Chief Medical Director for Dentistry.* The Assistant Chief Medical Director for Dentistry:

(a) Is responsible to the Chief Medical Director.

(b) Coordinates many program functions with the Associate Chief Medical Director for Operations. Collaborates with other Assistant Chief Medical Directors in developing and maintaining unified planning and operations. Serves as a member of the Policy and Planning Board.

(c) Recommends policies, plans, and professional standards for departmentwide application in implementing a comprehensive program of dental care.

(d) Recommends standards governing quality of staff, facilities, equipment, and supplies needed for an integrated program of dental care.

(e) Formulates department budget projections for dental programs and monitors the distribution and utilization of dental outpatient fee funds.

(f) Disseminates information of professional, nondirective nature, dealing with clinical and scientific matters, to professional staffs of field activities.

(g) Develops administrative media relating to implementation of the dental program, in conjunction with Medical Administration Service and the Assistant Chief Medical Director for Professional Services.

(h) Recommends policies and plans for departmentwide application,

pertaining to dental professional standards and career development.

(i) Maintains liaison with schools of dentistry (or medicine), dental program officials in other Federal agencies, and appropriate national professional organizations and agencies.

(j) Participates in the determination of education and training requirements for career dentists.

(k) Supervises and coordinates activities of the Dental Training Center.

(l) Approves schedules of maximum allowances for fee dental services in the administration of VA dental fee programs in each State.

(m) Serves as approving authority for the appointment of dentists to centralized positions and for related employment actions for centralized and noncentralized positions.

(n) Responsible for departmentwide recruitment activities for dentists and for the maintenance of a repository of qualified applicants.

(o) Recommends assignment of field facilities to Central Dental Laboratories for services.

(p) Responsible for jurisdiction over and conduct of dental activities to the extent delegated by the Chief Medical Director. Interprets policy to field facilities.

(q) Consults with and assists the Office of the Assistant Administrator for Construction in developing plans for design of new facilities and renovation of existing clinics.

(r) Evaluates the effectiveness of policies and plans pertaining to the professional aspects of dental service operations, and the validity of dental professional standards. Recommends procedural and policy changes indicated resulting from program evaluations.

(s) Consults on dental program management and coordinates visits to field facilities with the Associate Deputy Chief Medical Director for Operations.

(t) Makes recommendations for corrective actions at field facilities pursuant to reports of visits.

(u) Provides support to the Assistant Chief Medical Director for Academic Affairs in conjunction with the following:

(1) Coordination and formulation of policies and plans for departmentwide application pertaining to dental education and training.

(2) Nomination of candidates for career residency training.

(3) Coordination of such centrally directed professional education, continuing education and career development programs as are essential to the accomplishment of the mission of the service.

(v) Provides support to the Assistant Chief Medical Director for Research and Development in conjunction with the following:

(1) Liaison on formulation of policies and plans for departmentwide application pertaining to research in oral diseases.

(2) Liaison in program reviews, and nominates program specialist for research in oral disease.

(w) Provides support to the Director, Compensation and Pension Service, Department of Veterans Benefits, in conjunction with the following:

(1) Coordinates development of criteria for rating dental disabilities.

(2) Renders professional opinion on specific cases referred in connection with appeals of claims.

(vii) *Office of the Assistant Chief Medical Director for Extended Care.* The Assistant Chief Medical Director For Extended Care is responsible to the Chief Medical Director for program functions associated with the extended care for veteran beneficiaries and in that capacity:

(a) Develops, recommends and implements plans, policies, and professional standards for the following and related nationwide health care programs:

- (1) VA Nursing Home Care,
- (2) Community Nursing Home Care,
- (3) Domiciliary Care,
- (4) State Home Care (Hospital, Nursing Home, Domiciliary),
- (5) Hospital Based Home Care,
- (6) Personal Care Homes,
- (7) Geriatric Day Center,
- (8) Halfway House,
- (9) Geriatric Research, Education and Clinical Centers.

(b) Responsible for standards governing kinds and quality of staff, facilities, equipment, and supplies needed for the above programs designed to meet needs of long-term patients.

(c) Disseminates information of a professional, nondirective nature dealing with clinical and scientific matters relating to extended care of patients to professional staff at field facilities.

(d) Evaluates and monitors the effectiveness of policies and plans pertaining to the professional aspects of the extended care programs and validity of the professional standards.

(e) Recommends policy changes resulting from program evaluation and is responsible for procedural implementation.

(f) Participates in the determination of educational and training requirements for personnel assigned to the extended care programs. Coordinates with the

Assistant Chief Medical Director for Academic Affairs programs relating to education and training on all aspects of geriatrics and gerontology.

(g) Consults on extended care program management with the Assistant Chief Medical Director for Professional Services and coordinates visits to field facilities with the Associate Deputy Chief Medical Director for Operations.

(h) Serves as special liaison in the field of aging with the National Institutes of Health, National Academy of Sciences, National Council on Aging, Department of Health, Education and Welfare, and Administration on Aging.

(i) Serves as member of the Policy and Planning Board.

(j) Recommends policies, plans, and directives related to per diem rates, workloads, and budget for community nursing home care program.

(k) Recommends policies, plans, and areas of interest in research in aging in conjunction with the Assistant Chief Medical Director for Research and Development. Such research includes investigation of biomedical, psychosocial and organization relating to the care of the aging veteran.

(l) Approves the placement of candidates for the position of Supervisor, Nursing Home Care Unit.

(2) *Department of Veterans Benefits.* The Chief Benefits Director has jurisdiction over and is responsible to the Administrator for the conduct of the activities of the Department of Veterans Benefits. Administers an integrated program of veterans benefits consisting of Compensation, Pension, Education, Insurance, Loan Guaranty, Guardianship, and Veterans Assistance activities in the VA.

The Deputy Chief Benefits Director serves as the full assistant to the Chief Benefits Director in the discharge of his/her responsibilities, acts for him/her in his/her absence, and participates fully in the direction of all activities of the Department of Veterans Benefits; also responsible to the Chief Benefits Director for the department's operations.

(i) *Compensation and Pension Service.* The Director, Compensation and Pension Service performs the following functions:

(a) Formulates and recommends to the Chief Benefits Director, plans, regulations, procedures, and standards for departmentwide application within the limitations of VA-wide policies and plans pertaining to the following activities:

(1) Disability compensation and pension claims.

(2) The Schedule for Rating Disabilities.

(3) Claims for automobiles or other conveyances.

(4) Special housing claims.

(5) Emergency officers' retirement claims and Reserve officers' retirement pay under laws administered by the VA.

(6) Eligibility determinations for other Services or Government agencies.

(7) Death compensation and pension claims.

(8) Claims for dependency and indemnity compensation.

(9) Claims for reimbursement for burial, funeral, and transportation expenses of deceased veterans.

(10) Claims for accrued compensation, pension, retirement pay, and readjustment allowances.

(11) Forfeiture of rights and benefits.

(12) Claims for adjusted compensation in death cases.

(b) Appraises for the Chief Benefits Director the effectiveness, efficiency and economy of policies, regulations, procedures, and standards in implementing public laws and attaining program objectives and the significant effect of the compensation and pension programs nationally.

(c) Reviews proposed legislation and Executive orders to determine the specific effect on the programs and comments and recommends with respect thereto; also recommends changes to existing laws affecting compensation and pension benefits. Participates in congressional hearings on proposed legislation, when requested.

(d) Maintains liaison with agencies and organizations interested in compensation and pension benefits.

(e) Develops and analyzes for the compensation and pension programs, long-range plans, policies and objectives; conducts studies of programs, operations, and the effectiveness in achieving program objectives.

(f) Renders staff coordination and technical assistance to insure the automatic data processing programs and procedures are consistent with compensation and pension program substantive and procedural requirements.

(g) In collaboration with the Director, Budget Staff, performs budgetary administrative functions relating to the compensation and pension programs.

(ii) *Education and Rehabilitation Service.* The Director, Education and Rehabilitation Service performs the following functions:

(a) Formulates and recommends to the Chief Benefits Director plans, regulations, procedures, and standards for departmentwide application, within the limitations of VA-wide policies and

plans, pertaining to the following activities, as outlined in title 38, United States Code:

(1) Vocational rehabilitation.

(2) Veteran's educational assistance.

(3) Dependents' educational assistance.

(b) Appraises for the Chief Benefits Director, the effectiveness of regulations, procedures, and policies in implementing public laws and attaining education program objectives. Develops criteria and standards for management, organization and staffing of education activities of field stations.

(c) Reviews proposed legislation and Executive orders pertaining to the education program; comments and recommends appropriate action to the Chief Benefits Director. Participates in congressional hearings on proposed legislation. Recommends specific changes in current laws to make the education program more uniform and equitable.

(d) Initiates and formulates VA instructions under new legislation, VA regulations, and procedural manuals required to effectuate the education program.

(e) Renders staff coordination and technical assistance to insure that automatic data processing programs and procedures are consistent with the substantive and procedural requirements of the education program.

(f) Develops and analyzes long-range plans for the education program activities. Coordinates the conduct of studies and special projects; reviews completed studies and evaluates recommendations.

(g) Represents the Chief Benefits Director and the Administrator in maintaining cooperative relationships with other Federal agencies relating to education matters. Coordinates the activities of the Administrator's Education and Rehabilitation Advisory Committee.

(h) Maintains liaison with agencies, organizations, institutions, and others in the professional education community.

(i) In collaboration with the Director, Budget Staff, performs budgetary administrative functions relating to the education programs.

(iii) *Loan Guaranty Service.* The Director, Loan Guaranty Service performs the following functions:

(a) Formulates and recommends to the Chief Benefits Director, policies, plans, regulations, procedures and standards for departmentwide application within the limitations of VA-wide policies and plans pertaining to the guaranty or insurance of loans, the guaranty of mobile home and refinancing loans, the

making of direct loans, and the making of grants for specially adapted housing, and for activities pertaining to the liquidation, sale, or other disposition of loans and properties.

(b) Appraises for the Chief Benefits Director the effectiveness, efficiency and economy of policies, regulations, procedures and standards in implementing public laws and attaining program objectives and the significant effects of the loan guaranty and direct loan programs nationally.

(c) Reviews proposed legislation and Executive orders to determine the specific effects upon the programs and comments and recommends with respect thereto; also recommends changes in existing laws affecting the loan guaranty and direct loan programs. Participates in congressional hearings on proposed legislation, when requested.

(d) Formulates and recommends policies, procedures and standards for obtaining compliance with Title VIII of the Civil Rights Act of 1968, pertinent Executive orders and related fair housing laws through substantive operations of the loan guaranty and direct loan programs.

(e) Maintains top-level liaison with other Government departments and agencies and industry and financial organizations interested in the construction, marketing and financing of residential dwellings and the extension of credit to consumers for home, condominium and mobile home purposes.

(f) Develops long-range plans, policies and objectives for the loan guaranty and direct loan programs.

(g) Directs staff coordination and technical assistance to insure that automatic data processing programs and procedures are consistent with loan guaranty and direct loan programs substantive and procedural requirements.

(h) Advises the Chief Benefits Director on resources necessary for programwide operations, to pay claims, acquire properties, make direct loans and defray operating expenses, and on the sources of funds, including revenues from operations and sales of loans and properties, available for such expenditures. In collaboration with the Director, Budget Staff, performs budgetary functions relating to the general operating expenses of the programs.

(iv) *Veterans Assistance Service.* The Director, Veterans Assistance Service performs the following functions:

(a) Formulates and recommends to the Chief Benefits Director policies, plans, regulations, procedures and standards

of departmentwide application within the limitations of VA-wide policies and plans pertaining to:

(1) Veterans outreach service as required by subchapter IV of chapter 3, title 38, United States Code and the provision of benefits information and assistance to the total veteran populations as follows:

(i) One-step service to persons who visit or telephone U.S. Veterans Assistance Centers for information and assistance on all rights and benefits affecting veterans, including employment assistance and the professional guidance of Community Service Specialists (Social Workers) on socioeconomic problems.

(ii) Benefit assistance to patients hospitalized in VA hospitals.

(iii) Benefit service away from established offices to centers of population, non-VA institutions, groups and individuals including use of mobile office vans.

(iv) Liaison with and orientation of representatives of the Armed Forces within and outside the United States in military hospitals and points of separation to assure adequacy of benefit orientation and assistance to those individuals scheduled to be separated from military service.

(v) Special telephone service (FX and WATS) for toll-free communication of the veteran population with VA regional offices.

(vi) Providing guidance on veterans benefits availability to VA Alcohol and Drug Dependence Treatment installation staff.

(2) VA responsibilities (38 U.S.C. ch. 55) in connection with paying VA benefits on behalf of beneficiaries under legal disabilities including selection and supervision of payees, reviews of accountings and visits by field examiners.

(3) Conducting of field investigations for purposes of payee supervision and to obtain information and evidence for all elements of the Department of Veterans Benefits.

(4) VA service in all foreign countries and U.S. possessions not under regional office jurisdiction; assistance and guidance to Department of State employees on veterans programs conducted by embassies and consulates; negotiation of reciprocal agreements with foreign governments in serving United States veterans abroad and foreign veterans in the United States; and prepares comments and recommendations on legislative proposals affecting benefits for veterans residing abroad. Serves as VA liaison with the Department of State for

processing VA benefit matters abroad, arranging VA attendance at meetings in foreign countries, and dealing with foreign embassies and consulates on matters relating to VA benefits.

(5) Burial flag policies.

(b) Formulates and recommends work rate, quality and evaluation standards for Veterans Assistance activities. Conducts performance standards tests and continuing studies to assure validity of existing standards and reliability of the work measurement system.

Conducts surveys of program operations and continuing reviews to determine qualitative levels of program activities and adherence to mandatory directives.

(c) Provides liaison with and coordinates matters of interest to the Department of State and the the Philippine Government relative to the maintenance and operations of VA regional office Manila and with the Department of Health, Education, and Welfare regarding performance of Social Security Administration functions in the Philippines.

(d) Functions as reception and coordinating point for foreign visitors or officials of foreign governments interested in VA activities and those seeking orientation or training at VA installations.

(e) Provides information and assistance to VA employees traveling or transferring to foreign countries concerning necessary travel plans, arrangements and accommodations, general living conditions, and other pertinent matters including securing passports and visas and assistance to VA installations in obtaining services through U.S. embassies and consulates.

(f) Appraises for the Chief Benefits Director the effectiveness, efficiency and economy of the policies, plans, procedures and standards in implementing public laws and attaining program objectives and the significant effect thereof on Veterans Assistance activities.

(g) Maintains liaison with other Government agencies, American National Red Cross, veteran, civic and other organizations interested in veterans' programs.

(h) Jointly with Director, Budget Staff takes actions needed for budget preparation and execution with respect to Veterans Assistance programs.

(i) Reviews proposed legislation to determine effect on Veterans Assistance programs and prepares comments and recommendations. As required, participates in congressional hearings on proposed legislation and recommends changes in current laws as required by program situation.

(j) Conducts an equal opportunity compliance program to implement the provisions of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Title III of the Older Americans Amendments of 1975, and section 504 of the Rehabilitation Act of 1973;

(k) Serves as VA representative on working group of the Interagency Jobs for Veterans Committee.

(v) *Administrative Service.* The Director, Administrative Service performs the following functions:

(a) Formulates and recommends to the Chief Benefits Director, regulations, policies, plans, procedures and standards of departmentwide application pertaining to the following activities:

(1) Correspondence management; ADP applications covering Administrative operational areas; publications management, forms and form letter management and standardization; evaluation; control and use of office machines and equipment (excepting ADP equipment).

(2) Records management; general office practices for mail handling; identification and initial development of claims for benefit; circularization of missing folders and rebuilding of folders where indicated; word processing activities; procurement of service data; transportation of persons; telecommunications; and preservation of essential records.

(b) Formulates and recommends work rate, quality and evaluation standards for Administrative Divisions, Records Processing Center, and other Administrative activities under department jurisdiction. Conducts performance standards tests and continuing studies to assure the validity of existing standards and reliability of the work measurement system.

(c) Formulates and recommends plans, policies and standards for evaluation of quality of field Administrative activities; conducts continuing surveys and reviews of activities to determine qualitative levels of operations and adherence to mandatory directives.

(d) Coordinates and collaborates with Office of Data Management and Telecommunications schedules, target dates, priorities, and resources to be applied to Administrative ADP applications, and in planning, controlling and evaluating tests of new programing.

(e) Formulates and recommends plans and policies relating to the development and maintenance of all procedural issues of the department.

(f) Reviews all existing administrative and procedural issues, forms, and reports and coordinates changes necessitated by automatic data processing.

(g) Maintains departmental liaison with the Department of Medicine and Surgery on office equipment and operations, engineering, building management, safety and fire protection activities; with the Assistant Administrator for Construction regarding space acquisition, utilization and disposal for departmental field offices; and with the Office of Data Management and Telecommunications in telecommunications activities for departmental field offices; maintains liaison with VA officials, other agencies and organizations in matters of mutual interest.

(h) Appraises for the Chief Benefits Director the effectiveness efficiency and economy of policies, plans, procedures and standards in attaining program objectives, and governing application of ADP in furthering the mission of the program.

(i) Formulates and recommends plans and policies relating to release of information from VA records to veterans, their dependents, service and other authorized representatives, Government agencies, private organizations and attorneys, and to the public; develops rules and procedures to insure adherence to restrictions of concerned statutes or other regulatory media.

(j) Initiates, formulates and recommends plans and procedures for accepting or revoking powers of attorney, including declarations of representation from private attorneys or agents; recommends administrative practices and techniques whereby field stations may effectively apply provisions of regulations and changes thereto; maintains liaison with concerned elements within VA and service organizations with respect to changes in regulations affecting operating procedures on a departmentwide basis.

(k) Maintains liaison between Administrative Divisions at field stations and computer systems personnel. Formulates policy and procedures relative to ADP operations performed by Administrative personnel.

(l) Serves as the Department of Veterans Benefits Target Security Officer for systemwide privacy and security programs and procedures.

(3) *Department of Memorial Affairs.* The Chief Memorial Affairs Director has jurisdiction over and is responsible for the direction, control and

management of the Department of Memorial Affairs and the National Cemetery System (38 U.S.C. ch. 24); in this capacity functions concurrently as Director, National Cemetery System; formulates and recommends to the Administrator plans and policies for new national cemeteries, the enlargement of existing national cemeteries, the disposition of inactive national cemeteries, and for associated buildings, structures and appurtenances; recommends to the Administrator the selection and appointment of members the Advisory Committee on Cemeteries and Memorials; responsible for the procurement and distribution of headstones and markers for eligible decedents; acts as the representative of the Administrator of Veterans Affairs in all ceremonial activities relating to national cemeteries; and serves as the Secretary-Treasurer of the Veterans Day National Committee (subject to confirmation by the Executive Committee).

The Deputy Chief Memorial Affairs Director serves as the full assistant to the Chief Memorial Affairs Director in the discharge of his/her responsibilities, acts for the Chief Memorial Affairs Director in his/her absence and participates fully in the direction, control, and management of all activities of the Department of Memorial Affairs; also functions concurrently as Deputy Director, National Cemetery System.

(i) *Cemetery Service.* The Director, Cemetery Service performs the following functions:

(a) Formulates and recommends to the Chief Memorial Affairs Director, plans policies, budget estimates, regulations, procedures and standards pertaining to the operation, maintenance, expansion, disposition and development of new and existing cemeteries and other activities comprising the National Cemetery System.

(b) Responsible to the Chief Memorial Affairs Director for the proper and efficient management of the National Cemetery System within the limitations of established policies. Administers approved land development and construction projects related to existing national cemeteries.

(c) Determines and recommends to the Chief Memorial Affairs Director the need for new national cemeteries; establishes design concepts and collaborates with the Office of the Assistant Administrator for Construction in the development of engineering and architectural plans.

(d) Assures the prompt furnishing of assistance and advice to Members of Congress, Federal and State

Government agencies, the national service organizations, and other, as directed, in all aspects of cemetery operations; conducts necessary liaison with the military departments.

(e) Programs personnel and financial resources to the National Cemetery Area Offices in coordination with the Budget Staff and the Personnel Resources Staff; reviews and evaluates progress in the utilization of resources and for adherence to programed goals and objectives. Recommends transfer of resources where necessary to achieve goals and objectives.

(f) Monitors the application of regulations governing charges to cemetery Directors for occupancy of Government quarters on cemetery grounds; reviews appeals regarding charges made for occupancy of Government quarters and makes appropriate recommendations.

(g) Collaborates with Directors of National Cemetery Area Offices and Directors of national cemeteries in the development of major and minor construction programs.

(h) Maintains liaison with Office of the Assistant Administrator for Construction on national cemetery construction matters; provides representation on special committees pertaining to cemetery planning and construction.

(i) Designs and prepares plans, justifications, specifications and cost estimates for construction, land development and landscaping projects delegated to the Department Memorial Affairs by the Assistant Administrator for Construction and general operating expense projects in national cemeteries.

(j) Develops architectural and engineering plans for delegated minor construction projects involving structures, facilities and land development in national cemeteries.

(k) Reviews architect-engineer submissions for conformity with stated functional and aesthetic requirements

(l) Participates in cemetery site selection and land utilization studies and determinations.

(m) Plans and designs minor cemetery landscaping projects, prepares specifications and oversees their accomplishment.

(n) Assists cemetery Directors in determining eligibility of Decedents for interment in national cemeteries; reviews requests for disinterments and recommends appropriate action by the Director, Cemetery Service.

(o) Monitors the field operations of the National Cemetery System through the Directors of the National Cemetery Area Offices.

(p) Develops and promulgates criteria for automotive and cemetery equipment; controls allocations.

(q) Maintains the permanent central record of interments and gravesite reservations.

(r) Prepares manuals and other publications relating to the assigned functions of the Cemetery Service.

(ii) *Monument Service.* The Director, Monument Service performs the following functions:

(a) Formulates and recommends to the Chief Memorial Affairs Director plans, policies, budget estimates, regulations, procedures and standards pertaining to the procurement and distribution of headstones and markers for the graves of eligible decedents in national, post, private and local cemeteries.

(b) Responsible for administering an integrated headstone and marker program to include requirements, budgeting, funds control, ordering, procurement, eligibility, inscription, design, specifications, quality assurance and transportation.

(c) Directs and controls the activities of headstone and marker quality assurance personnel stationed at contractor plants or at National Cemetery Area Offices of the department.

(d) Formulates and recommends plans, policies and procedures for the conduct of quality control and assurance programs in connection with the procurement of headstones and markers.

(e) Develops technical specifications and drawings and markers to be procured, to include quality control provisions and packing and crating requirements.

(f) Maintains liaison with Department of Medicine and Surgery Supply Service and Defense Logistics Agency quality assurance personnel and with the National Bureau of Standards, Bureau of Mines and other Federal and State Government agencies, research corporations and testing laboratories relative to the testing and evaluation of headstone and marker materials, finishes, and manufacturing processes.

(g) Compiles and maintains a listing of motor carriers geographically oriented to contractors' plants for the purpose of assuring expeditious movement of headstones and markers to consignee destination; collaborates closely with motor carriers and contractors in this regard.

(h) Arranges with appropriate carriers for the movement of headstones and markers requiring special handling; expedites the movement of frustrated shipments.

(i) Maintains liaison with DM&S Supply Service transportation officials, the freight rate tariff bureau of the General Services Administration with the transportation industry.

(j) Assures the prompt furnishing of assistance and advice to members of Congress, Federal and State Government agencies, the national Service organizations, and other as directed, on matters pertaining to monumentation for deceased veterans' graves; conducts necessary liaison with the military departments.

(k) Evaluates and recommends changes as appropriate regarding the effectiveness of the application form and policies and procedures governing headstone and marker eligibility determination, inscription content, and relationships with applicants and the public.

(l) Processes applications for headstones and markers for veterans buried in private or local cemeteries; establishes eligibility and devises appropriate inscription in each case.

(m) Processes records of interment for decedents buried in national and other Government cemeteries to provide an appropriate headstone or marker; devises an appropriate inscription in each case.

(n) Corresponds with applicants; families of decedents; Services officers; civil, fraternal and patriotic groups or societies; Federal, State or local Government agencies and members of the public on matters related to headstones and markers.

(o) Develops, issues, receives and safeguards Invitations for Bids; conducts public bid openings for headstone and marker procurement. Determines responsiveness of bids, the responsibility of prospective contractors; prepares the Abstract of Bids.

(p) Evaluates Invitation for Bids to determine successful bidders taking into consideration the terms of the invitation, applicable Federal and VA Procurement Regulations.

(q) Initiates and evaluates pre-award surveys to determine capabilities of bidders to produce in accordance with the terms of the Invitation for Bids, delivery schedules and technical requirements.

(r) Awards and administers contracts for headstones and markers.

(s) Responsible for the inspection of headstones and markers at contractors' plant and for compliance by contractors with specifications and contract provisions; directs the activities of quality assurance personnel.

(iii) *National Cemetery Area Office.* The Director, National Cemetery Area Office, performs the following functions:

(a) Responsible to the Chief Memorial Affairs Director for the effective, efficient, and economical direction, operation and management of cemeteries, soldiers' lots, Confederate plots and cemeteries, and monuments, as assigned, with the limitations of established policies.

(b) Exercises direct line supervisory responsibility and authority over Directors of assigned cemeteries and activities. Evaluates job performance of cemetery Directors.

(c) Develops area operating programs in coordination with cemetery Directors to include a determination of funds, personnel, equipment and supplies required for each assigned activity; disseminates approved operating programs; adjusts programs to meet emergency or unanticipated situations.

(d) Responsible for the development of area office and cemetery budget estimates and for the exercise of budgetary controls.

(e) Maintains liaison and consults with the Directors of VA field stations responsible for furnishing personnel, engineering, procurement, fiscal and supply services to assure that the needs of cemetery activities are met; coordinates and fosters cordial and effective working relationships between VA field stations and supported national cemeteries.

(f) Reviews reports from servicing stations and cemetery Directors as to the currency and scope of services provided to assure that support is timely and in accordance with the approved plans and programs applicable to each cemetery activity.

(g) Evaluates the effectiveness of cemetery operations and the quality of services provided; furnishes the Chief Memorial Affairs Director with information, reports and other data reflective of all cemetery activities.

(h) Participates in and coordinates the participation by cemetery Directors in the Veterans Outreach program.

(i) Responsible for the technical, operating and administrative inspections of each assigned activity as directed; reports findings, recommendations and actions taken to the Director, Cemetery Service.

(j) Responsible for internal, supply, management, including cost consciousness in the conservation and use of all supplies, equipment and other assets, and for achieving the optimum in the use of funds available.

(k) Exercises procurement authority in accordance with the provisions of VAPR

8-75.201-16(c) in emergency situations when the servicing supply organization cannot be utilized.

Section 3. Field Stations.

(a) *Insurance Center.* Two field sites house all individual insurance records covering service members and veterans under the Government administered programs: WW I United States Government Life Insurance (K); WW II National Service Life Insurance (V and H); Post-Korea Conflict (RS/W); Veterans Reopened Insurance for the disabled of WW II and Korean (J-JR-JS); and the only Government administered program open for issues to disabled veterans only (RH). The two field locations are the VA Centers at Philadelphia, Pa., and St. Paul, Minn. All WW I insurance accounts, and those accounts for which the premium is paid by allotment from military service pay, by deduction from VA compensation, or by payroll deduction with a commercial employer, are located at Philadelphia. All remaining insurance accounts are geographically distributed between the two VA Centers—with the Mississippi River serving as the approximate line of division. The Philadelphia VA Center is also responsible for formulating policy for the veterans insurance programs. The insurance functions performed by the two field stations include the total range of insurance operation to provide individual policy, underwriting, life and death insurance claims service for service members, veterans and their beneficiaries.

(b) *Regional Office.* A Veterans Administration regional office is a field station which grants benefits and services provided by law for veterans, their dependent, and beneficiaries within an assigned territory; furnishes information regarding Veterans Administration benefits and services; adjudicates claims and makes awards for disability compensation and pension; determines eligibility for hospitalization; handles guardianship and fiduciary matters and authorized legal proceedings; aids, guides, and prescribes vocational rehabilitation training and administers educational benefits; guarantees loans for purchase of mobile homes and lots and condominium units, purchase or construction or alteration of homes and farm residences, and under certain conditions makes direct home loans, guarantees refinancing loans; processes grants for specially adapted housing; processes death claims; aids and otherwise assists the veteran in exercising rights to benefits and services; and supervises Veterans Administration offices under its

jurisdiction. The Regional Office is also responsible for veterans assistance activities including coordination of efforts of participating agencies in an "outreach" program to assist returning service members, particularly those who are educationally disadvantaged.

Services to U.S. veterans in most foreign countries normally are provided by the Veterans Administration Regional Office, District of Columbia. The Honolulu Regional Office serves the Islands of American Samoa, Guam, Wake and Midway and the Trust Territory of the Pacific Islands. U.S. veterans in the Virgin Islands and Mexico are served by the San Juan and Houston offices, respectively. Service is provided in cooperation with embassy staffs of the Department of State.

(c) *VA Regional Office, District of Columbia.* The Veterans Administration Regional Office, District of Columbia, is a typical VA regional office with additional functions. It has global jurisdiction and grants benefits and services provided by law for veterans, their beneficiaries and dependents, residing outside the territorial limits of the United States; adjudicates certain unusual claims and actions not common to all regions offices, such as WW I Adjusted Compensation death cases, forfeiture cases, and benefits under special enactments provided by the Congress. Maintains liaisons with the Treasury Department on types and methods of payments to recipients in foreign countries.

(d) *VA Office.* A VA office is an organizational element established to provide veterans assistance service and such other services as cannot be conveniently provided to veterans, their dependents and beneficiaries, and others in a given locality by the parent regional office or center.

(e) *Medical Center (Hospital).* A VA Medical Center (Hospital) provides eligible beneficiaries with medical and other health care services equivalent to those provided by private sector institutions, augmented in many instances by services to meet the special requirements of veterans. Many VA medical centers are affiliated with medical schools for residency training, some are affiliated with dental schools, and virtually all VA medical centers cooperate with one or more educational institutions in programs of nursing, associated health professions and occupations, and administrative training. Many conduct medical and related research, both in individual projects and in association with other VA medical centers in broad cooperative studies. There are many

nursing home care units associated with some of them to provide skilled nursing care and related medical services to patients who are not acutely ill.

(f) *VA Center.* A Veterans Administration center is an organizational element consisting of a regional office and an insurance center under the jurisdiction of one director.

(g) *VA Medical and Regional Office Center.* A Veterans Administration medical and regional office center is an organizational element consisting of a regional office and a medical center or a regional office, medical center and domiciliary under the jurisdiction of one director.

(h) *Data Processing Center.* A VA data processing center is responsible for the implementation and maintenance of automated systems developed to support veterans benefits, medical, and administrative programs. The equipment at a center consists of sophisticated computers and communication devices as well as a large assortment of miscellaneous supporting gear which are operated on a 7-day week, 24-hours a day schedule, in support of the VA mission.

(i) *Domiciliary.* A VA domiciliary is a health care facility providing a program of planned living in a sheltered environment and necessary ambulatory medical treatment to veterans who are unable because of their disabilities to earn a living but who are not in need of nursing service, constant medical supervision, or hospitalization.

(j) *Outpatient Clinic.* A VA outpatient clinic provides eligible beneficiaries with ambulatory care.

Section 4. Addresses. This is a guide to VA field stations and locations where information may be obtained concerning benefits to veterans and their dependents and beneficiaries. Information concerning benefits as well as such matters as office hours, location of public reference facilities, fees charged for certain services such as records searching or copying, forms for use by the public and where they may be obtained, and officials to contact for various services, information or decisions, may be obtained by writing or otherwise contacting the office concerned. On any matter in which there may be a question as to the proper point of contact for services, information, or decisions, request may be directed to the Director or Veterans Services Division in the nearest VA regional office or center with a regional office activity.

For information or assistance in applying for veterans' benefits, write, call, or visit a Veterans Benefits

Counselor at the nearest VA regional office or VA office listed. Application for medical benefits may be made at a VA medical center (see H-Hospital Care) or any VA station with medical facilities.

GI life insurance is administered at the VA Center in St. Paul or Philadelphia. For any information concerning a policy, write directly to the VA Center administering it; give the insured's policy number, if known. The insured's full name, date of birth, and service number should be given if the policy number is not known.

Appeals to the Board of Veterans Appeals should be filed with the field office which made the decision to which the appeal relates. The field office is responsible for any preliminary development indicated, for furnishing the claimant and his or her representative, if any, a statement of the case giving "notice" of the pertinent facts on the issue or issues, the applicable laws, regulations, and the action taken, sufficient to permit proper exercise of the statutory appeal right. When all preliminary action has been completed, the field office certifies the appeal and transfers the records to the Board in Washington, D.C. The claimant and his or her representative are notified of the certification and transfer of the records to the Board. The Board conducts a formal hearing, if desired, and makes a final decision based upon review of the entire record.

All 50 states have toll-free telephone services to VA regional offices. The telephone numbers listed after each regional office are the toll-free benefits information numbers to that office for the areas shown. Local telephone numbers are also listed for VA medical centers (hospitals) and clinics.

(Please Note.—Telephone numbers are subject to change. If unable to reach VA at the number listed for your area or if unsure which number to call, consult the white pages of your local telephone directory under U.S. Government, Veterans Administration, for the benefits information number. The directory assistance operator can also assist.)

VA installations are listed below by state. Information on VA benefits may be obtained from the following installations: Regional Offices (RO); other offices (O); VA Centers (C) (Regional Offices and Insurance); and United States Veterans Assistance Centers (USVAC) listed immediately following the state listing below. Abbreviations of other installations are as follows: H-Hospital Care; D-Domiciliary Care; NHC-Nursing Home Care; OC-Outpatient Clinic (independent); OCH-Outpatient Clinic

(physically separated from hospital); OCS-Outpatient Clinic Substation. (Also see listing of "VA National Cemeteries" and "Where to Apply for Alcohol or Drug Dependence Treatment")

Alabama

Birmingham (H) 35233, 700 S. 19th St., (205) 933-8101.

Mobile (OCS) 36617, 2451 Fillingim St., (205) 690-2875.

Montgomery (H) 36109, 215 Perry Hill Rd., (205) 272-4670.

Montgomery (RO) 36104, 474 S. Court St.

If you reside in the local telephone area of: Birmingham—322-2492; Huntsville—539-7742; Mobile—432-8645; Montgomery—832-7581.

All other areas in Alabama (800) 392-8054.

Tuscaloosa (H & NHC) 35401, Loop Rd., (205) 553-3760.

Tuskegee (H & NHC) 36083, (205) 727-0550.

Alaska

Anchorage (O) 99501, Loussac-Sogn Bldg., 429 D St., Zenith 2500.

Juneau (RO) 99802, Federal Bldg., U.S. Post Office and Courthouse, 709 W. 9th St.

If you live in the local telephone area of: Anchorage—276-5143, Juneau—586-7472.

All other Alaska communities ask operator for Zenith 2500.

Juneau (OC) 99802, Federal Bldg., U.S. Post Office and Courthouse, 709 W. 9th St., (907) 586-7466.

Arizona

Phoenix (H) 85012, 7th St. and Indian School Rd., (602) 277-5551.

Phoenix (RO) 85012, 3225 N. Central Ave.

If you live in the local telephone area of: Phoenix—263-5411; Tucson—622-6424.

All other Arizona areas (800) 352-0451.

Prescott (H & D) 86313 (602) 445-4860.

Tucson (H & NHC) 85723, 3601 S. 6th Ave., (602) 792-1450.

Arkansas

Fayetteville (H) 72701, 1100 N. College Ave., (501) 443-2301.

Little Rock (RO) 72201, 1200 W. 3rd St.

If you live in the local telephone area of: Fort Smith—785-2637; Little Rock—378-5971; Pine Bluff—536-8100; Texarkana—774-2166.

All other Arkansas areas, (800) 482-8990.

Little Rock (H & NHC) 72206, 300 E. Roosevelt Rd., (501) 372-8361.

California

Compton (USVAC) 90221, 1717 N. Long Beach Blvd., Suite 108, (213) 537-3203.
 East Los Angeles, (USVAC) 90063, East L.A. Service Center, 923 N. Bonnie Beach Pl., (213) 264-1068.

Fresno (H) 93703, 2615 E. Clinton Ave., (209) 227-2941.

Livermore (H) 94550, (415) 447-2560.

Loma Linda (H) 92354, 11201 Benton St., (714) 824-0850.

Long Beach (H & NHC) 90822, 5901 E. 7th St., (213) 498-1313.

Los Angeles (RO) 90024, Federal Building, 11000 Wilshire Blvd., West Los Angeles.

Counties of Inyo, Kern, Los Angeles, Orange, San Bernadino, San Luis, Obispo, Santa Barbara, and Ventura.

If you live in the local telephone area of: Central LA—879-1303; Inglewood—645-5420; La Crescenta—248-0450; Malibu—451-0672; San Fernando—997-6401; San Pedro—833-5241; Sierra Madre—355-3305; West Los Angeles—479-4011; Whittier—945-3841.

Outside LA: Anaheim—821-1020; Bakersfield—834-3142; Huntington Beach—848-1500; Ontario—983-9784; Oxnard—487-3977; San Bernardino—884-4874; Santa Ana—543-8403; Santa Barbara—963-0643.

All other areas of the above counties—(800) 352-6592.

Counties of Alpine, Lassen, Modoc and Mono served by:

Reno, NV (RO) 89520, 1201 Terminal Way.

If you live in the above California counties—(800) 648-5408.

Los Angeles (H & D) 90073, Sawtelle and Wilshire Blvd., (213) 478-3711.

Los Angeles (OC) 90013, 425 S. Hill St., (213) 688-2000.

Martinez (H) 94553, 150 Muir Rd., (415) 228-6800.

Oakland (OCS) 94612, 1515 Clay St., (415) 273-7125.

Palo Alto (H & NHC) 94304, 3801 Miranda Ave., (415) 493-5000.

San Diego (RO) 92108, 2022 Camino Del Rio North.

Counties of Imperial, Riverside, and San Diego.

If you live in the local telephone area of: Riverside—686-1132; San Diego—297-8220.

All other areas of the above counties (800) 532-3811.

San Diego (H & NHC) 92161, 3350 LaJolla Village Dr., (714) 453-7500.

San Diego (OCH) 92108, Palomar Building, 2022 Camino Del Rio North.

San Francisco (RO) 94105, 211 Main St.

If you live in the local telephone area of: Fremont—796-9212; Fresno—(800)

652-1296; Modesto—521-9260; Monterey—649-3550; Oakland—893-0405; Palo Alto—321-5615; Sacramento—929-5863; San Francisco—495-8900; San Jose—998-7373; Santa Rosa—544-3520; Stockton—948-8860; Vallejo—552-1556.

All other areas of Northern California—(800) 652-1240

San Francisco (H) 94121, 4150 Clement St., (415) 221-4810.

Sepulveda (H & NHC) 91343, 16111 Plummer, (213) 894-8271.

Colorado

Denver (RO) 80225, Building 20, Denver Federal Center.

If you live in the local telephone area of:

Colorado Springs—475-9911; Denver—233-6300; Pueblo—545-1764

All other Colorado areas—(800) 332-6742.

Denver (H) 80220, 1055 Clermont St., (303) 399-8020.

Fort Lyon (H & NHC) 81038, (303) 456-1260.

Grand Junction (H & NHC) 81501, 2121 North Ave., (303) 242-0731.

Connecticut

Hartford (RO) 06103, 450 Main St.

If you live in the local telephone area of: Bridgeport—384-9861; Danbury—743-2791; Hartford—278-3230; New Haven—562-2113/6127; New London—447-0377; Norwalk—853-8141; Stamford—325-4039; Waterbury—757-0347.

All other Connecticut areas—(800) 842-4315/4317.

Newington (H) 0611, 555 Willard Ave., (203) 666-6951.

West Haven (H & NHC) 06516, W. Spring St., (203) 933-2561.

Delaware

Wilmington (RO) 19805, 1601 Kirkwood Highway.

If you live in the local telephone area of: Wilmington—998-0191.

All other Delaware areas—(800) 292-7855.

Wilmington (H) 19805, 1601 Kirkwood Highway, (302) 994-2511.

District of Columbia

Washington, D.C. (RO) 20421, 941 N. Capitol St., N.E., (202) 872-1151.

Washington, D.C. (H) 20422, 50 Irving St., N.W., (202) 483-6666.

Florida

Bay Pines (H.D. NHC & OCH) 33504, 1000 Bay Pines Blvd., N., (813) 391-9644.

Gainesville (H) 32602, Archer Rd., (904) 376-1611.

Jacksonville (O) 32201, Port Office and Courthouse Bldg., 311 W. Monroe St., (904) 356-1581.

Jacksonville (OCS) 32206, 1833 Boulevard, (904) 791-2751.

Lake City (H & NHC) 32055, S. Marion St., (904) 752-1400.

Miami (H & NHC) 33125, 1201 N.W. 16th St., (305) 324-4455.

Miami (O) 33130, Federal Building, Rm 100, 51 S.W. 1st Ave., (305) 358-0669.

Orlando (OCS) 32806, 83 W. Columbia St., (305) 425-7521.

Riviera Beach (OCH) 33404, Exec. Plaza, 301 Broadway, (305) 845-2800.

St. Petersburg (OCH) 33731, 144 First Ave., S., (813) 893-3706.

St. Petersburg (RO) 33731, 144 1st Ave., S.

If you live in the local telephone area of: Cocoa/Cocoa Beach—783-8930; Daytona Beach—255-8351; Ft. Lauderdale/Hollywood—522-4725; Ft. Myers—334-0900; Gainesville—376-5266; Jacksonville—356-1581; Lakeland/Winter Haven—683-7499; Melbourne—724-5600; Miami—358-0669; Orlando—425-2626; Pensacola—434-3537; Sarasota—366-2939; Tallahassee—224-6872; Tampa—229-0451; West Palm Beach—833-5734; St. Petersburg—898-2121.

All other Florida areas—(800) 282-8821.

Tampa (H) 33612, 13000 N. 30th St., (813) 971-4500.

Georgia

Atlanta (RO) 30308, 730 Peachtree St., N.E.

If you live in the local telephone area of: Albany—439-2331; Atlanta—881-1776; Augusta—738-5403; Columbus—324-6646; Macon—745-6517; Savannah—232-3365.

All other Georgia areas—(800) 282-0232.

Augusta (H & NHC) 30904, (404) 733-4471.

Decatur (H) 30033, 1670 Clairmont Rd., N.E., (404) 321-6111.

Dublin (H.D. & NHC) 31021, (912) 272-1210.

Hawaii

Honolulu (RO) 96850, PJKK Federal Bldg., 300 Ala Moana Blvd.

If you live in the local telephone area of: Is. of Hawaii—Ask operator for Enterprise 5308; Is. Of Kauai—Ask operator for Enterprise 5310; Is. of Maui/Lanai/Molokai—Ask operator for Enterprise 5309; Is. of Oahu—546-8962.

Honolulu Clinic 96801, P.O. Box 3198,
680 Ala Moana Blvd., (808) 546-2176.

Idaho

Boise (RO) 83724, Federal Bldg. and U.S.
Courthouse, 550 W. Fort St.

If you live in the local telephone area
of: Boise—384-1010.

All other Idaho areas—(800) 632-2003.
Boise (H) 83702, 5th and Fort St., (208)
342-3681.

Illinois

Chicago (H) 60611, 333 E. Huron St.
(Lakeside), (312) 943-6600.

Chicago (H) 60680 (West Side), 820 S.
Damen Ave., (312) 666-6500.

Chicago (RO) 60680, 536 S. Clark St.

If you live in the local telephone area
of: Bloomington/Normal—829-4374;
Carbondale—457-8161; Champaign-
Urbana—344-7505; Chicago—663-5510;
Decatur—429-9445; E. St. Louis—274-
5444; Peoria—674-0901; Rockford—968-
0538; Springfield—789-1246.

All other Illinois areas—(800) 972-
5327.

Danville (H & NHC) 61832, (217) 442-
8000.

Hines (H) 60141, (312) 343-7200.

Marion (H) 62959, (618) 997-5311.

North Chicago (H & NHC) 60064.

Downey, (312) 689-1900.

Indiana

Evansville (OCS) 47708, 214 S. E. 6th St.,
(812) 423-6871 Ext. 316.

Fort Wayne (H & NHC) 46805, 1600

Randalia Dr., (219) 743-5431.

Indianapolis (RO) 46204, 575 N.

Pennsylvania St.

If you live in the local telephone area
of: Anderson/Muncie—289-9377;
Evansville—426-1403; Ft. Wayne—422-
9189; Gary/Hammond/E. Chicago—886-
9184; Indianapolis—269-5566; Lafayette/
W. Lafayette—742-0084; South Bend—
232-3011; Terre Haute—232-1030.

All other Indiana areas—(800) 382-
4540.

Indianapolis (H & NHC) 46202, 1481 W.
10th St., (317) 635-7401.

Marion (H & NHC) 46952, E. 38th St.,
(317) 674-3321.

Iowa

Des Moines (RO) 50309, 210 Walnut St.

If you live in the local telephone area
of: Cedar Rapids—366-7681; Davenport/
Rock Is./Moline, IL—326-4051; Des
Moines—280-7220; Sioux City—252-
3291; Waterloo—235-6721.

All other Iowa areas—(800) 362-2222.
Des Moines (H) 50310, 30th and Euclid
Ave., (515) 255-2173.

Iowa City (H) 52240, (319) 338-0581.

Knoxville (H & NHC) 50138, 1515 W.
Pleasant St., (515) 842-3101.

Kansas

Leavenworth (H.D & NHC), 66048, 4201
S. 4th St., Trafficway, (913) 682-2000.

Topeka (H & NHC) 66622, 2200 Gage
Blvd., (913) 272-3111.

Wichita (RO) 67211, Blvd. Office Park,
901 George Washington Blvd.

If you live in the local telephone area
of: Kansas City—432-1650; Topeka—
357-5301; Wichita—264-9123.

All other Kansas areas—(800) 362-
2444.

Wichita (H) 67218, 5500 E. Kellogg, (316)
685-2221.

Kentucky

Lexington (H & NHC) 40507, (606) 233-
4511.

Louisville (RO) 40202, 600 Federal Place.

If you live in the local telephone area
of: Lexington—253-0566; Louisville—
584-2231.

All other areas—(800) 292-4562.

Louisville (H) 40202, 800 Zorn Ave., (502)
895-3401.

Louisiana

Alexandria (H & NHC) 71301, (318) 442-
0251.

New Orleans (RO) 70113, 701 Loyola
Ave.

If you live in the local telephone area
of: Baton Rouge—343-5539; New
Orleans—561-0121; Shreveport—424-
8442.

All other Louisiana areas, (800) 462-
9510.

New Orleans (H) 70146, 1601 Perdido St.,
(504) 568-0811.

Shreveport (H & O) 71130, 510 E. Stoner
Ave., (318) 424-8442 (Office); (318)
221-8411 (Hospital).

Maine

Portland (O) 04111, One Maine Savings
Plaza Congress St., (207) 775-6291.

Togus (RO) 04330.

If you live in the local telephone area
of: Portland—775-6391; Togus—623-
8411.

All other Maine areas—(800) 542-
1935.

Togus (H & NHC) 04330, (207) 623-8411.

Maryland

Counties of Montgomery and Prince
Georges: Washington, DC (RO) 20421,
941 N. Capitol St., N.E.

If you live in the above Maryland
counties—872-1151.

All other Maryland counties:
Baltimore (RO) 21201; 31 Hopkins Plaza,
Federal Building.

If you live in the local telephone area
of: Baltimore—685-5454.

All other Maryland areas: (800) 492-
9503.

Baltimore (OCH) 21201, 31 Hopkins
Plaza, Federal Building, (301) 962-
4610.

Baltimore (H) 21218, 3900 Loch Raven
Blvd., (301) 467-9932.

Fort Howard (H & NHC) 21052, (301)
477-1800.

Perry Point (H & NHC) 21902 (301) 962-
4725.

Massachusetts

Bedford (H & NHC) 01730, 200 Spring
Rd., (617) 275-7500.

Boston (H) 02130, 150 S. Huntington
Ave., (617) 232-9500.

Towns of Fall River and New Bedford
and counties of Barnstable, Dukes,
Nantucket, parts of Plymouth, and
Bristol are served by: Providence, R.I.
(RO) 02903, 321 S. Main St.

If you live in the local telephone area
of: Fall River—676-3898; New Bedford—
999-1321.

All other areas of Dukes, Nantucket,
Barnstable, and parts of Plymouth, and
Bristol counties—(800) 556-3893.

Remaining Massachusetts counties
served by: Boston (RO) 02203, John
Fitzgerald Kennedy, Federal Bldg.,
Government Center.

If you live in the local telephone area
of: Boston—227-4600; Brockton—588-
0764; Fitchburg/Leominster—342-8927;
Lawrence—687-3332; Lowell—455-5463;
Springfield—785-5343; Worcester—
791-3595.

All other Massachusetts areas—(800)
392-6015.

Boston (OC) 02108, 17 Court St., (617)
223-2020.

Brockton (H & NHC) 02401, 945 Belmont
St., (617) 583-4500.

Lowell (OCS) 01852, Old Post Office
Bldg., 50 Kearney Square, (617) 453-
1746.

New Bedford (OCS) 02740, 53 N. Sixth
St., (617) 997-8721.

Northampton (H & NHC) 01060, N. Main
St., (413) 584-4040.

Springfield (O) 01103, 1200 Main St.,
(413) 785-5343.

Springfield (OCS) 01103, 101 State St.,
(413) 781-2420.

West Roxbury (H) 02132, 1400 VFW
Parkway, (617) 323-7700.

Worcester (OCS) 01601, 595 Main St.,
(617) 791-2251.

Michigan

Allen Park (H & NHC) 48101, Southfield
& Outer Drive, (313) 562-6000.

Ann Arbor (H) 48105, 2215 Fuller Rd.,
(313) 769-7100.

Battle Creek (H & NHC) 49016, (616) 965-3281; Detroit (RO) 48226.

Patrick V. McNamara, Federal Bldg., 477 Michigan Ave.

If you live in the local telephone area of: Ann Arbor—662-2506; Battle Creek—962-7568; Bay City—894-4556; Detroit—984-5110; Flint—234-8646; Grand Rapids—458-8511; Jackson—787-7030; Kalamazoo—344-0156; Lansing/E. Lansing—484-7713; Muskegon—726-4895; Saginaw—754-7475.

All other Michigan areas—(800) 482-0740.

Grand Rapids (OCS) 49503, 260 Jefferson St., S.E., (616) 459-2200.

Iron Mountain (H & NHC) 49801, (908) 774-3300.

Saginaw (H) 48602, 1500 Weiss St., (517) 793-2340.

Minnesota

Minneapolis (H) 55417, 54th St. & 48th Ave., South, (612) 725-6767.

St. Cloud (H & NHC) 56301, (612) 252-1670.

St. Paul (C) 55111, Federal Bldg., Fort Snelling.

If you live in the local telephone area of: Duluth—722-4467; Minneapolis—726-1454; Rochester—288-5888; St. Cloud—253-9300; St. Paul—726-1454.

All other Minnesota areas—(800) 692-2121.

St. Paul (OCH) 55111, Fort Snelling, (612) 725-6767.

Mississippi

Biloxi (H.D. & NHC) 39531, (601) 388-5541.

Jackson (H & NHC) 39216, 1500 E. Woodrow Wilson Ave., (601) 362-4471.

Jackson (RO) 39204, Southport Office Building, 2350 Highway 80 West.

If you live in the local telephone area of: Biloxi/Gulfport—432-5996; Jackson—969-4873; Meridian—693-6166.

All other Mississippi areas—(800) 682-5270.

Missouri

Columbia (H & NHC) 65201, 800 Stadium Road, (314) 443-2511.

Kansas City (H) 64128, 4801 Linwood Blvd., (816) 861-4700.

Kansas City (O) 64106, Federal Office Bldg., 601 E. 12th St., (816) 861-3761.

Poplar Bluff (H & NHC) 63901, (314) 686-4451.

St. Louis (RO) 63103, Federal Bldg., 1520 Market St.

If you live in the local telephone area of: Columbia—449-1276; Kansas City—861-3761; St. Joseph—364-1171; St. Louis—342-1171; Springfield—883-7470.

All other Missouri areas—(800) 392-3761.

St. Louis (H & NHC) 63125, 915 N. Grand Blvd., (314) 652-4100.

Montana

Fort Harrison (RO) 59636.

If you live in the local telephone area of: Ft. Harrison/Helena—442-6410; Great Falls—761-3215.

All other Montana areas—(800) 332-6125.

Fort Harrison (H) 59636, (406) 442-6410.

Miles City (H & NHC) 59301, 210 S. Winchester, (406) 232-3060.

Nebraska

Grand Island (H & NHC) 68801, 2201 N. Broadway, (308) 382-3660.

Lincoln (RO) 68508, Federal Bldg., 100 Centennial Mall North.

If you live in the local telephone area of: Lincoln—471-5001; Omaha/Council Bluffs—221-3291.

All other Nebraska areas—(800) 742-7554.

Lincoln (H) 68510, 600 S. 70th St., (402) 867-6011.

Omaha (H) 68105, 4101 Woolworth Ave., (402) 346-8800.

Nevada

Henderson (OCS) 89015, 102 Lake Mead Dr., (702) 564-2420.

Reno (H & NHC) 89502, 1000 Locust St., (702) 329-1051.

Reno (RO) 89520, 1201 Terminal Way.

If you live in the local telephone area of: Las Vegas—386-2921; Reno—329-9244.

All other Nevada areas—(800) 992-5740.

New Hampshire

Manchester (RO) 03103, Norris Cotton Federal Bldg., 275 Chestnut St.

If you live in the local telephone area of: Manchester—666-7785.

All other New Hampshire areas—(800) 562-5260.

Manchester (H & NHC) 03104, 718 Smyth Rd., (603) 624-4366.

New Jersey

East Orange (H & NHC) 07019, Tremont Ave. & S. Center, (201) 676-1000.

Lyons (H & NHC) 07939, (201) 647-0180.

Newark (RO) 07102, 20 Washington Place.

If you live in the local telephone area of: Atlantic City—348-8550; Camden—541-8650; Clifton/Paterson/Passaic—472-9632; Long Branch/Asbury Park—870-2550; New Brunswick/Sayreville—828-5600; Newark—645-2150; Perth Amboy—442-5300; Trenton—989-8116.

All other New Jersey areas—(800) 242-5867.

Newark (OCH) 07102, 20 Washington Place, (201) 645-3491.

New Mexico

Albuquerque (RO) 87102, Dennis Chavez Federal Bldg., U.S. Courthouse, 500 Gold Ave., S.W.

If you live in the local telephone area of: Albuquerque—766-3361.

All other New Mexico areas—(800) 432-6853.

Albuquerque (H & NHC) 87108, 2100 Ridgcrest Dr., S.E., (505) 265-1711.

New York

Albany (H & NHC) 12208, 113 Holland Ave., (518) 462-3311.

Albany (O) 12207, Leo W. O'Brien Federal Bldg., Clinton Ave. & N. Pearl St., (800) 442-5882.

Batavia (H) 14020, Redfield Pkwy, (716) 343-7500.

Bath (H.D. & NHC) 14810, (607) 776-2111.

Bronx (H) 10468, 130 W. Kingsbridge Rd., (212) 584-9000.

Brooklyn (H & NHC) 11209, 800 Poly Place, (213) 836-6600.

Brooklyn (OC) 11205, 35 Ryerson St., (212) 330-7500.

Buffalo (RO) 14202, Federal Bldg., 111 W. Huron St.

If you live in the local telephone area of: Binghamton—772-0856; Buffalo—846-5191; Rochester—232-5290; Syracuse—476-5544; Utica—735-6431.

All other areas of Western New York State—(800) 462-1130.

Buffalo (N & NHC) 14215, 3495 Bailey Ave., (716) 834-9200.

Canandaigua (H & NHC) 14424, Ft. Hill Ave., (716) 394-2000.

Castle Point (H & NHC) 12511, (914) 831-2000.

Montrose (H & NHC) 10548, (914) 737-4400.

New York City (H) 10010, 1st Ave. at E. 24th St., (212) 686-7500.

New York City (RO) 10001, 252 Seventh Ave. at 24th St.

Counties of Albany, Bronx, Clinton, Columbia, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Kings, Montgomery, Nassau, New York, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington, Westchester.

If you live in the local telephone area of: Hempstead—483-6188; New York—620-6901; Poughkeepsie—452-5330; Scarsdale—723-7476.

All other areas in the above counties—(800) 442-5882.

New York City (OCH) 10001, 252 7th Ave. at 24th St., (212) 620-6776.

New York City (Prosthetic, Center) 10001, 252 7th Ave., (212) 620-6636.

Northport (H) 11768, Long Island—Middleville Rd., (516) 261-4400.

Rochester (O & OCS) 14614, Federal Office Bldg. and Courthouse, 100 State St., (716) 232-5290 (O); (716) 263-5734 (OCS).

Syracuse (O) 13202, U.S. Courthouse and Federal Building, 100 S. Clinton St., (315) 476-5544.

Syracuse (Mental Hygiene, Clinic) 13202, Gateway Bldg., 803 S. Salina St., (315) 473-2619.

Syracuse (H & NHC) 13210, Irving Ave. & University Pl., (315) 476-7461.

North Carolina

Asheville (H & NHC) 28805, (704) 298-7911.

Durham (H) 27705, 508 Fulton St., (919) 286-0411.

Fayetteville (H & NHC) 28301, 2300 Ramsey St., (919) 488-2120.

Salisbury (N & NHC) 28144, 1601 Brenner Ave., (704) 636-2351.

Winston-Salem (OCH) 27102, Federal Bldg., 251 N. Main St., (919) 761-3562.

Winston-Salem (RO) 27102, Federal Bldg., 251 N. Main St.

If you live in the local telephone area of: Asheville—253-6861; Charlotte—375-9351; Durham—683-1367; Fayetteville—323-1242; Greensboro—274-1994; High Point—887-1202; Raleigh—821-1166; Winston-Salem—748-1800.

All other North Carolina areas—(800) 642-0841.

North Dakota

Fargo (RO) 58102, 21st Ave. & Elm St.

If you live in the local telephone area of: Fargo—293-3080.

All other North Dakota areas (800)—342-4790.

Fargo (H & NHC) 58102, 2101 Elm St., (701) 232-3241

Ohio

Brecksville (H & NHC) 44141, 10000 Brecksville Rd., (216) 526-3030.

Chillicothe (H & NHC) 45601, (614) 773-1141.

Cincinnati (H & NHC) 45220, 3200 Vine St., (513) 861-3100.

Cincinnati (O) 45202, Rm. 1024, Federal Off. Bldg., 550 Main St., (513) 579-0505.

Cleveland (H) 44106, 10701 E. Boulevard, (216) 791-3800.

Cleveland (RO) 44199, Anthony J. Celebrezze, Federal Bldg., 1240 E. 9th St.

If you live in the local telephone area of: Akron—535-3327; Canton—453-8113; Cincinnati—579-0505; Cleveland—621-

5050; Columbus—224-8872; Dayton—223-1394; Springfield—322-4907;

Toledo—241-6223; Warren—399-8985; Youngstown—744-4383.

All other Ohio areas—(800) 362-9024.

Columbus (O) 43215, Rm. 309 Fed. Bldg., 200 N. High St., (614) 224-8872.

Columbus (OC) 43210, 456 Clinic Drive, (614) 469-7365.

Dayton (H.D. & NHC) 45428, 4100 W. 3rd St., (513) 268-6511.

Oklahoma

Muskogee (H) 74401, Memorial Station, Honor Heights Dr., (918) 683-3261.

Muskogee (RO) 74401, Federal Bldg., 125 S. Main St.

If you live in the local telephone area of: Lawton—357-2400; Muskogee—687-2500; Oklahoma City—235-2641; Stillwater—377-1770; Tulsa—583-5891.

All other Oklahoma areas—(800) 482-2800.

Oklahoma City (O) 73102, 200 N.W. 4th St., (405) 235-2641.

Oklahoma City (H) 73104, 921 N.E. 13th St., (405) 272-9876.

Oregon

Portland (H) 97207, Sam Jackson Park, (503) 222-9221.

Portland (RO) 97204, Federal Bldg., 1220 SW. 3rd Avenue.

If you live in the local telephone area of: Eugene/Springfield—342-8274;

Portland—221-2431; Salem—581-9343.

All other Oregon areas—(800) 452-7276.

Portland (OCH) 97204, 426 S.W. Stark St., (503) 221-2575.

Roseburg (H & NHC) 97470, (503) 672-4411.

White City (D) 97501, (503) 826-2111.

Pennsylvania

Altoona (H & NHC) 16603, Pleasant Valley Blvd., (814) 943-8164.

Butler (H & NHC) 16001, (412) 287-4781.

Coatesville (H & NHC) 19320, Black Horse Rd., (215) 384-7711.

Erie (H & NHC) 16501, 135 E. 38th St. Blvd., (814) 868-8661.

Harrisburg (OCS) 17108, Federal Bldg., 228 Walnut St., (717) 782-4590.

Lebanon (H & NHC) 17042, (717) 272-6621.

Philadelphia (H) 19104, University & Woodland Aves., (215) 382-2201.

Philadelphia (OCH) 19102, 1421 Cherry St., (215) 597-3311.

Ask for OCH.

Philadelphia (C) 19101, P.O. Box 8079, 5000 Wissahickon Ave.

Counties of Adams, Berks, Bradford, Bucks, Cameron, Carbon, Centre, Chester, Clinton, Columbia,

Cumberland, Dauphin, Delaware, Franklin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York.

If you live in the local telephone area of: Allentown/Bethlehem/Easton—821-6823; Harrisburg—232-6677; Lancaster—394-0596; Philadelphia—438-5225; Reading—376-6548; Scranton—961-3883; Wilkes-Barre—824-4636; Williamsport—322-4649; York—845-6686.

All other areas in the above counties—(800) 822-3920.

Pittsburgh (RO) 15222, 1000 Liberty Ave.

If you live in the local telephone area of: Altoona—944-7101; Johnstown—535-8825; Pittsburgh—281-4233.

All other areas in Western Pennsylvania—(800) 242-0233.

Pittsburgh (OCH) 15222, 1000 Liberty Ave., (412) 644-6750.

Pittsburgh (H & NHC) 15240, University Drive C., (412) 683-3000.

Pittsburgh (H) 15206, Highland Drive, (412) 363-4900.

Wilkes-Barre (O) 18701, 19-27 N. Main St., (717) 824-4636.

Wilkes-Barre (H) 18711, 1111 E. End Blvd., (717) 824-3521.

Phillipines

Manila (RO) 96528, 1131 Roxas Blvd. (Manila), APO San Francisco (Air Mail).

Puerto Rico

Mayaguez (OCS) 00708, Road Number 2, (809) 833-4600. Ask for Ext. 204.

Ponce (OCS) 00731, Calle Isabel No. 60, (809) 843-5151.

San Juan (H) 00921, Barrio Monacillos, Rio Piedras GPO Box 4867, (809) 843-5151.

San Juan (RO) 00918, U.S. Courthouse & Fed. Bldg., Carlos E. Chardon St., Hato Rey, (809) 753-4141.

Rhode Island

Providence (RO) 02903, 321 S. Main St.

If you live in the local telephone area of: Providence—528-4431.

All other Rhode Island areas—Ask operator for Enterprise 5050.

Providence (H) 02908, Davis Park, (401) 521-1700.

South Carolina

Charleston (H) 29407, 109 Bee St., (803) 577-5011.

Columbia (RO) 29201, 1801 Assembly St. If you live in the local telephone area of: Charleston—723-5581;

Columbia—765-5861; Greenville—232-2457.

All other South Carolina areas—(800) 922-1000.

Columbia (H & NHC) 29201, Garners Ferry Rd., (803) 776-4000.

Greenville (OCS) 29607, Piedmont East Bldg., 37 Villa Road, (803) 232-7303.

South Dakota

Fort Meade (H) 57741, (605) 347-2511.

Hot Springs (H & D) 57747, (605) 745-4101.

Sioux Falls (H & NHC) 57101, 2501 W. 22nd St., (605) 336-3230.

Sioux Falls (RO) 57101, Courthouse Plaza Bldg., 300 North Dakota Ave.

If you live in the local telephone area of: Sioux Falls—336-3496.

All other South Dakota areas—(800) 952-3550.

Tennessee

Chattanooga (OCS) 37411, Bldg. 6300 East Gate Center, (615) 266-3151.

Knoxville (OCS) 37920, Baptist Prof. Bldg., 200 Blount Ave., (615) 637-9300.

Memphis (H) 38104, 1030 Jefferson Ave., (901) 523-8990.

Mountain Home (H.D & NHC) 37684, Johnson City, (615) 928-0281.

Murfreesboro (H & NHC) 37130, (615) 893-1360.

Nashville (RO) 37203, 110 9th Ave., S.

If you live in the local telephone area of: Chattanooga—267-6587; Knoxville—546-5700; Memphis—527-4583; Nashville—254-5411.

All other Tennessee areas—(800) 342-8330.

Nashville (H) 37203, 1310 24th Ave., S., (615) 327-4751.

Texas

Amarillo (H) 79106, 6010 Amarillo Blvd., W., (806) 355-9703.

Big Spring (H & NHC) 79720, 2400 S. Gregg St., (915) 263-7361.

Bonham (H.D & NHC) 75418, Ninth & Lipscomb, (214) 583-2111.

Corpus Christi (OCS) 78404, 1502 S. Brownlee Blvd., (512) 888-3251.

Dallas (O) 75202, U.S. Courthouse and Fed. Office Bldg., 1100 Commerce St., (214) 824-5440.

Dallas (H) 75216, 4500 S. Lancaster Rd., (214) 376-5451.

El Paso (OC) 79925, 5919 Brook Hollow Dr., (915) 543-7890.

Houston (RO) 77054, 2515 Murworth Dr.

Counties of Angelina, Aransas, Altascosa, Austin, Bandera, Bee, Bexar, Blanco, Brazoria, Brewster, Brooks, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, Crockett, DeWitt, Dimmitt, Duval, Edwards, Fort Bend, Frio, Galveston, Gillespie, Goliad

Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Hidalgo, Houston, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, LaSalle, Lavaca, Liberty, Live Oak, McCulloch, McMullen, Mason, Matagorda, Maverick, Medina, Menard, Montgomery, Nacogdoches, Newton Nueces, Orange, Pecos, Polk, Real, Refugio, Sabine, San Augustine, San Jacinto, San Patricio, Schleicher, Shelby, Starr, Sutton, Terrell, Trinity, Tyler, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Wilson Zapata, Zavala.

If you live in the local telephone area of: Beaumont—838-6222; Corpus Christi—884-1994; Edinburg/McAllen/Pharr—383-8168; Houston—664-4664; San Antonio—226-7661; Texas City/Galveston—948-3011.

All other areas in the above counties—(800) 392-2200; Houston (H & NHC) 77211, 2002 Holcombe Blvd., (713) 747-3000.

Kerrville (H & NHC) 78028, (512) 896-2020.

Lubbock (O & OC) 79401, Federal Building, 1205 Texas Ave., (806) 762-7415 (OC), (806) 747-5256 (O).

Marlin (H) 76661, 1016 Ward St., (817) 883-3511.

McAllen (OCS) 78501, 1220 Jackson Ave., (512) 682-4581.

San Antonio (H) 78284, 7400 Merton Minter Blvd., (512) 696-9660.

San Antonio (O) 78285, 410 S. Main Ave., (512) 226-7661.

San Antonio (OC) 78285, 307 Dwyer Ave., (512) 225-5511.

Temple (H & D) 76501, 1901 S. First, (817) 778-4811.

Waco (RO) 76710, 1400 N. Valley Mills Dr.

If you live in the local telephone area of: Abilene—673-5286; Amarillo—376-7202; Austin—477-5831; Dallas—824-5440; El Paso—545-2500; Ft. Worth—336-1641; Killeen—699-2351; Lubbock—747-5256; Midland/Odessa-Terminal—563-0324; Waco—772-3060; Wichita Falls—726-7103.

All other areas in Texas—(800) 972-1110.

Waco (H & NHC) 76703, Memorial Drive, (817) 752-6581.

Waco (OCH) 76710, 1400 N. Valley Mills Dr., (817) 756-6511.

Utah

Salt Lake City (RO) 84138, Federal Bldg., 125 S. State St.

If you live in the local telephone area of: Ogden—399-4433; Provo/Orem—375-2902; Salt Lake City—524-5960.

All other Utah areas—(800) 662-9163.

Salt Lake City (H & NHC) 84113, 500 Foothill Drive, (801) 582-1565.

Vermont

White River Junction (RO) 05001.

If you live in the local telephone area of: White River Junction—295-9363.

All other Vermont Areas—(800) 622-4134.

White River Junction (H & NHC) 05001, (802) 295-9363.

Virginia

Hampton (H.D & NHC) 23667, (804) 723-6501.

Richmond (H) 23249, 1201 Broad Rock Rd., (804) 231-9011.

Northern Virginia: Counties of Arlington and Fairfax and the cities of Alexandria, Fairfax, and Falls Church. Washington, DC (RO) 20421, 941 N. Capitol St. N.E.

If you live in the above Virginia counties or cities—872-1151.

Roanoke (RO) (24011), 210 Franklin Rd., SW.

If you live in the local telephone area of: Hampton—722-7477; Norfolk—627-0441/0442; Richmond—648-1621/1622; Roanoke—982-6440.

All other Virginia areas—(800) 542-5826.

Salem (H & NHC) 24153, (703) 982-2463.

Washington

Seattle (RO) (98174), Federal Bldg., 915 2nd Ave.

If you live in the local telephone area of: Everett—259-9232; Seattle—624-7200; Spokane—747-3041; Tacoma—383-3851; Yakima—248-7970.

All other Washington areas—(800) 552-7480.

Seattle (H) 98108, 4435 Beacon Ave., S., (206) 762-1010.

Seattle (OCH) 98104, Smith Tower, 2nd & Yesler, (206) 442-5030.

Spokane (H) 99208, N. 4815 Assembly St., (509) 328-4521.

Tacoma (H & NHC) 98493, American Lake, (206) 588-2185.

Vancouver (H) 98661, (206) 696-4061.

Walla Walla (H) 99362, 77 Wainwright Dr., (509) 525-5200.

West Virginia

Beckley (H & NHC) 25801, 200 Veterans Ave., (304) 253-8383.

Clarksburg (H) 26301, (304) 923-3411.

Counties of Brooke, Hancock, Marshall and Ohio.

Pittsburgh, PA (RO) 15222, 1000 Liberty Ave.,

If you live in the local telephone area of: Wheeling—232-1431.

Other: (800) 642-3520 (Huntington, WV RO).

Remaining counties in West Virginia Served by: Huntington, (RO) 25701, 502 Eighth St.

If you live in the local telephone area of: Charleston—344-3531; Huntington—529-5720.

All other areas in West Virginia—(800) 642-3520.

Huntington (H) 25701, 1540 Spring Valley Dr., (304) 429-1381.

Martinsburg (H & D) 25401, (304) 263-0266.

Wheeling (OCS) 26003, 11th & Chapline Sts., (304) 234-0123.

Wisconsin

Madison (H) 53705, 2500 Overlook Terrace, (608) 256-1901.

Milwaukee (RO) 53202, 342 N. Water St.

If you live in the local telephone area of: Green Bay—437-9001; Madison—257-5467; Milwaukee—278-8680; Racine—637-6743.

All other Wisconsin areas—(800) 242-9025.

Tomah (H & NHC) 54660, (608) 372-3971.

Wood (H & NHC) 53193, 5000 W. National Ave., (414) 384-2000.

Wyoming

Cheyenne (RO) 82001, 2360 E. Pershing Blvd.

If you live in the local telephone area of: Cheyenne—778-7550.

All other Wyoming areas—(800) 442-2761.

Cheyenne (H & NHC) 82001, 2360 E. Pershing Blvd. (307) 778-7550.

Sheridan (H) 82801, (307) 672-3473.

Where To Apply For Alcohol or Drug Dependence Treatment

Patients may be admitted to any VA hospital for inpatient care. However, there are specialized VA alcoholism treatment units and drug dependence treatment facilities for inpatient and/or outpatient care in the following cities:

Both Alcoholism and Drug Dependence Treatment Programs:
Albany, N.Y.; Allen Park, Mich.; American Lake (Tacoma), Wash.; Baltimore; Battle Creek, Mich.; Bedford, Mass.; Boston (OC); Bronx, N.Y.; Brooklyn, N.Y.; Buffalo; Chicago (West Side); Cincinnati; Cleveland (Brecksville); Coatesville, Pa.; Dallas; Decatur, Ga.; Denver; E. Orange, N.J.; Hines, Ill.; Houston; Indianapolis (10th St.); Little Rock, Ark.; Long Beach, Calif.; Los Angeles (Brentwood); Martinez, Calif.; Memphis; Miami; Milwaukee (Wood); Minneapolis; Montrose, N.Y.; New Orleans; New York (Bronx and Brooklyn); North Chicago, Ill.; Oklahoma

City; Palo Alto (Miranda Ave.), Calif.; Philadelphia; Salt Lake City, Utah; San Diego, San Francisco; San Juan, P.R.; Seattle; Sepulveda, Calif.; St. Louis (Jefferson Barracks), Mo.; Tucson, Ariz.; Washington, D.C.; Wood, Wis.

Alcohol Dependence Treatment Programs only: Albuquerque N.M.; Augusta (Lenwood Div.), Ga.; Bay Pines, Fla.; Big Spring, Tex.; Biloxi, Miss.; Brockton, Mass.; Canandaigua, N.Y.; Charleston, S.C.; Cleveland (Wade Park); Danville, Ill.; Ft. Howard, Md.; Ft. Lyon, Colo.; Ft. Meade, S.D.; Gainesville, Fla.; Hampton, Va.; Hot Springs, S.D.; Kansas City, Mo.; Knoxville, Iowa; Leavenworth, Kans.; Lexington, Ky.; Lincoln, Neb.; Lyons, N.J.; Manchester, N.H.; Marion, Ind.; Martinsburg, W.V.; Mountain Home, Tenn.; Murfreesboro, Tenn.; Nashville, Tenn.; Northampton, Mass.; Omaha, Neb.; Phoenix, Ariz.; Pittsburgh (Highland Drive); Prescott, Ariz.; Roseburg, Oreg.; Salem, Va.; Salisbury, N.C.; San Antonio; Sheridan, Wyo.; Shreveport, La.; St. Cloud, Minn.; Temple, Tex.; Togus, Me.; Tomah, Wis.; Topeka, Kans.; Tuscaloosa, Ala.; Waco, Tex.; West Haven, Conn.; White City, Oreg.; White River Junction, Vt.

Drug Dependence Treatment Program only: Boston (Med. Center); Los Angeles (OC); New York; Pittsburgh (University Drive), Pa.; Providence, R.I.; Richmond, Va.; Tulsa, Okla.; Vancouver, Wash.

Veterans' Administration National Cemeteries

*Grave space available: **New cemetery not yet open for interment: ***Space available only for cremated remains.

Alabama

Mobile National Cemetery, 1202 Virginia St., Mobile 36604, (205) 690-2858.

Alaska

*Sitka National Cemetery, P.O. Box 1065, Sitka 99835, (907) 747-8637.

Arizona

Prescott National Cemetery, Veterans Administration Center, Prescott 86313, (602) 455-4860. Ext. 280.

Arkansas

*Fayetteville National Cemetery, 700 Government Ave., Fayetteville 72701, (501) 443-4301, Ext. 584.

*Fort Smith National Cemetery, 522 Garland Ave. and South 6th St., Fort Smith 72901, (501) 783-5345.

*Little Rock National Cemetery, 2523 Confederate Blvd., Little Rock 72206, (501) 374-8011.

California

Fort Rosecrans National Cemetery, Point Lima, P.O. Box 6237, San Diego 92106, (714) 225-7447.

Golden Gate National Cemetery, P.O. Box 185, San Bruno 94066, (415) 589-7737.

***Los Angeles National Cemetery, 950 South Sepulveda Blvd., Los Angeles 90049, (213) 478-3711, Ext. 5264, 1327, or 1328.

*Riverside National Cemetery, 22495 Van Buren Blvd., Riverside 92508, (714) 653-8417 or 8418.

San Francisco National Cemetery, P.O. Box 9012, Presidio of San Francisco, San Francisco 94129, (415) 561-2008.

Colorado

*Fort Logan National Cemetery, 3698 South Sheridan Blvd., Denver 80235, (303) 761-0117.

*Ft. Lyon National Cemetery, Veterans Administration Hospital, Fort Lyon 81038, (303) 456-1260, Ext. 231.

Florida

*Barrancas National Cemetery, Naval Air Station, Pensacola 32508, (904) 452-3357 or 4196.

Bay Pines National Cemetery, Veterans Administration Center, Bay Pines 33504, (813) 391-9644.

St. Augustine National Cemetery, 104 Marine St., St. Augustine 32084, (904) 829-2661.

Georgia

Marietta National Cemetery, 500 Washington Ave., Marietta 30060, (404) 428-5631.

Hawaii

*National Memorial Cemetery of the Pacific, 2177 Puowaina Dr., Honolulu 96813, (808) 546-3190.

Illinois

Alton National Cemetery, 600 Peal St., Alton.

(Call Jefferson Barracks National Cemetery, Missouri, for information.)

*Camp Butler National Cemetery, R.F.D. No. 1, Springfield 62707, (217) 522-5764.

*Danville National Cemetery, 1900 East Main St., Danville 61832, (217) 442-8000.

*Mound City National Cemetery, P.O. Box 128, Mound City 62963, (618) 748-9343.

*Quincy National Cemetery, 36th and Maine St., Quincy.

(Call Keokuk National Cemetery, Keokuk, Iowa, for information.)

*Rock Island National Cemetery, Rock Island Arsenal, Rock Island 61299, (309) 794-6715.

Indiana

Crown Hill National Cemetery, 3402 Boulevard Pl., Indianapolis 46208, (317) 925-8231.

*Marion National Cemetery, Veterans Administration Hospital, Marion 46952, (317) 674-3321, Ext. 392.

New Albany National Cemetery, 1943 Ekin Ave., New Albany 47150, (812) 283-1385.

Iowa

*Keokuk National Cemetery, 18th and Ridge Sts., Keokuk 52632, (319) 524-1304.

Kansas

*Fort Leavenworth National Cemetery, Fort Leavenworth 66027, (913) 684-4914.

*Fort Scott National Cemetery, P.O. Box 917, Fort Scott 66701, (316) 223-2840.

*Leavenworth National Cemetery, Veterans Administration Center, Leavenworth.

(Call Fort Leavenworth National Cemetery, for information.)

Kentucky

*Camp Nelson National Cemetery, R.R. No. 3, Nicholasville 40356, (606) 885-5727.

Cave Hill National Cemetery, 701 Baxter Ave., Louisville.

(Call Zachary Taylor National Cemetery for information.)

Danville National Cemetery, 377 North First St., Danville.

(Call Camp Nelson National Cemetery for information.)

*Lebanon National Cemetery, Lebanon 40033, (502) 692-3390.

Lexington National Cemetery, 833 West Main St., Lexington.

(Call Camp Nelson National Cemetery for information.)

*Mill Springs National Cemetery, R.D. No. 1, Box 172, Nancy 42544, (606) 636-6470.

Perryville National Cemetery, Perryville.

(Call Camp Nelson National Cemetery for information.)

Zachary Taylor National Cemetery, 4701 Brownsboro Rd., Louisville 40207, (502) 893-3852.

Louisiana

*Alexandria National Cemetery, 209 Shamrock Ave., Pineville 71360, (318) 442-5029.

Baton Rouge National Cemetery, 220 North 19th St., Baton Rouge 70806, (504) 389-0323.

Port Hudson National Cemetery, Route 1, Box 185, Zachary 70791, (504) 654-4757.

Maine

Togus National Cemetery, Veterans Administration Center, Togus 04330, (207) 623-8411.

Maryland

Annapolis National Cemetery, 800 West St., Annapolis 21401, (301) 269-1224.

Baltimore National Cemetery, 5501 Frederick Ave., Baltimore 21228, (301) 644-9696 or 9697.

Loudon Park National Cemetery, 3445 Frederick Ave., Baltimore.

(Call Baltimore National Cemetery for information.)

Massachusetts

**Massachusetts National Cemetery, Bourne.

Minnesota

*Fort Snelling National Cemetery, 34th Avenue, South, Minneapolis 55111, (612) 726-1127 or 1128.

Mississippi

*Biloxi National Cemetery, Veterans Administration Center, Biloxi 39531, (601) 388-5541.

*Corinth National Cemetery, 1551 Horton St., Corinth 38834, (601) 286-5782.

*Natchez National Cemetery, 61 Cemetery Rd., Natchez 39120, (601) 445-4981.

Missouri

*Jefferson Barracks National Cemetery, 101 Memorial Drive, St. Louis 63125, (314) 268-8441 or 8442.

Jefferson City National Cemetery, 1024 East McCarty St., Jefferson City 65101, (314) 636-8406.

*Springfield National Cemetery, 1702 East Seminole St., Springfield 65804, (417) 881-9499.

Nebraska

*Fort McPherson National Cemetery, Maxwell 69151, (308) 582-4433.

New Jersey

Beverly National Cemetery, Beverly 08010, (609) 877-5460.

Finn's Point National Cemetery, R.F.D. No. 3, Fort Mott Rd., Salem 08079, (609) 935-3628.

New Mexico

*Fort Bayard National Cemetery, Fort Bayard 88036, (505) 537-3686.

*Santa Fe National Cemetery, Box 88, Santa Fe 87501, (505) 988-6400.

New York

*Bath National Cemetery, Veterans Administration Center, Bath.
(Call Woodlawn National Cemetery for information.)

*Calverton National Cemetery, Route 25, P.O. Box 144, Calverton 11933, (516) 727-5410 or 5412.

Cypress Hills National Cemetery, 625 Jamaica Ave., Brooklyn 11208, (212) 277-7145.

Long Island National Cemetery, Farmingdale, L.I. 11735, (516) 249-7300, 7301, 7302.

Woodlawn National Cemetery, 1825 Davis St., Elmira 14901, (607) 732-5411.

North Carolina

*New Bern National Cemetery, 1711 National Ave., New Bern 28560, (919) 637-2912.

*Raleigh National Cemetery, 501 Rock Quarry Rd., Raleigh 27610, (919) 832-0144.

*Salisbury National Cemetery, 202 Government Rd., Salisbury 28144, (704) 636-2661.

*Wilmington National Cemetery, 2011 Market St., Wilmington 28401, (919) 762-7213.

Ohio

*Dayton National Cemetery, Veterans Administration Center, 4100 W. Third St., Dayton 45428, (513) 268-6511, Ext. 106.

Oklahoma

*Ft. Gibson National Cemetery, Fort Gibson 74434, (918) 478-2334.

Oregon

*Roseburg National Cemetery, Veterans Administration Hospital, Roseburg 97470, (503) 672-4411.

*White City National Cemetery, Veterans Administration Domiciliary, White City 97501, (503) 826-2111, Ext. 351.

*Willamette National Cemetery, 11800 S.E. Mt. Scott Blvd., P.O. Box 66147, Portland 97266, (503) 761-4188.

Pennsylvania

**Indiantown Gap National Cemetery, Annville, Philadelphia National Cemetery, Haines Street and Limekiln Pike, Philadelphia 19138, (215) 924-6083.

Puerto Rico

*Puerto Rico National Cemetery, Box 1298, Bayamon 00619, (809) 785-7281.

South Carolina

*Beaufort National Cemetery, 1601 Boundary St., Beaufort 29902, (803) 524-3925.

*Florence National Cemetery, 803 East National Cemetery Rd., Florence 29501, (803) 669-8783.

South Dakota

*Black Hills National Cemetery, P.O. Box 640, Sturgis 57785, (605) 347-3830.

Fort Meade National Cemetery, Veterans Administration Hospital, Fort Meade.

(Call Black Hills National Cemetery for information.)

Hot Springs National Cemetery, Veterans Administration Center, Hot Springs 57747, (605) 745-4101.

Tennessee

*Chattanooga National Cemetery, 1200 Bailey Ave., Chattanooga 37404, (615) 698-4981.

Knoxville National Cemetery, 939 Tyson Street, NW., Knoxville 37917, (615) 522-8820.

*Memphis National Cemetery, 3568 Townes Ave., Memphis 38122, (901) 386-8311.

*Mountain Home National Cemetery, P.O. Box 8, Mountain Home 37684, (615) 929-7891.

*Nashville National Cemetery, P.O. Box 227, 1050 Gallatin Rd., Madison 37115, (615) 865-0741.

Texas

*Fort Bliss National Cemetery, P.O. Box 6342, Fort Bliss 79906, (915) 568-3705.

*Fort Sam Houston National Cemetery, 1520 Harry Wurzbach Rd., San Antonio 78209, (512) 221-2136 or 2137.

*Houston National Cemetery, 10410 Stuebner Air Line Rd., Houston 77038, (713) 447-8686.

Kerrville National Cemetery, Veterans Administration Hospital, Spur Rt. 100, Kerrville 78028, (512) 896-2020.

San Antonio National Cemetery, 517 Paso Hondo St., San Antonio.

(Call Fort Sam Houston National Cemetery for information.)

Virginia

Alexandria National Cemetery, 1450 Wilkes St., Alexandria 22314, (703) 836-5214.

Balls Bluff National Cemetery, Leesburg. (Call Winchester National Cemetery for information).

City Point National Cemetery, 10th Ave., and Davis St., Hopewell.

(Call Richmond National Cemetery for information).

Cold Harbor National Cemetery, R.F.D. No. 4, Box 155, Mechanicsville.

(Call Richmond National Cemetery for information).

*Culpeper National Cemetery, 305 U.S. Ave., Culpeper 22701, (703) 825-0027. Danville National Cemetery, 721 Lee St., Danville 24541, (804) 792-9284.

Fort Harrison National Cemetery, R.F.D. No. 5, Box 174, Varina Road, Richmond.

(Call Richmond National Cemetery for information).

Glendale National Cemetery, R.F.D. No. 5, Box 272, Richmond.

(Call Richmond National Cemetery for information).

Hampton National Cemetery, Cemetery Rd. at Marshall Ave., Hampton 23669, (804) 723-7104.

Hampton National Cemetery, Veterans Administration Center, Hampton.

(Call Hampton National Cemetery for information).

**Quantico National Cemetery, Quantico.

Richmond National Cemetery, 1701 Williamsburg Rd., Richmond 23231, (804) 222-1490 or 1494.

Seven Pines National Cemetery, 400 East Williamsburg Rd., Sandston.

(Call Richmond National Cemetery for information).

Staunton National Cemetery, 901 Richmond Ave., Staunton 24401, (703) 886-2641.

Winchester National Cemetery, 401 National Ave., Winchester 22601, (703) 662-8535.

West Virginia

Grafton National Cemetery, Grafton 26354, (304) 265-2044.

Wisconsin

*Wood National Cemetery, Veterans Administration Center, 5000 W. National Ave., Wood 53193, (414) 384-2000, Ext. 2776, 2777.

[FR Doc. 79-12456 Filed 4-23-79; 8:45 am]

BILLING CODE 8320-01-M

INTERSTATE COMMERCE COMMISSION

Assignment of Hearings

April 19, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties

should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 58885 (Sub-33F), Atlanta, Motor Lines, Inc., now assigned for continued hearing on June 19, 1979, in the Ramada Inn (Airport) 709 Spence Lane, Nashville, TN.

MC 61788 (Sub-36F), Georgia-Florida-Alabama Transportation, now assigned for hearing on June 4, 1979, (2 weeks), at Mobile, AL., in a hearing room to be later designated.

MC-C 10002, Greyhound Lines, Inc., -V- American Buslines, Inc., now assigned for hearing on May 1, 1979 at Harrisburg, Pennsylvania and will be held in Court Room No. 2, 9th floor U.S. District Court.

MC 2890 (Sub-55F), American Buslines, Inc., now assigned for hearing on May 1, 1979, at Harrisburg, Pennsylvania and will be held in Court Room No. 2, 9th floor, U.S. District Court.

MC 23618 (Sub-25F), McAlister Trucking Company, DBA Matco now assigned for hearing on May 8, 1979, at Dallas, TX and will be held in Room No. 5A15-17, Federal Building, 1100 Commerce Street.

H. G. Homme, Jr.,

Secretary.

[Notice No. 74]

[FR Doc. 79-12711 Filed 4-23-79; 8:45 am]

BILLING CODE 7035-01-M

Fourth Section Application for Relief

April 19, 1979.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before May 9, 1979.

FSA No. 43686, Southwestern Freight Bureau, Agent No. B-807, rates on petroleum and petroleum products from Vicksburg, Miss. to stations in Southwestern Territory, in supp. 162 and 108 to Tariffs ICC SWFB 4679 and 4680, respectively, to become effective May 18, 1979. Grounds for relief—Market competition, short-line distance formula and grouping.

By the Commission.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-12712 Filed 4-23-79; 8:45 am]

BILLING CODE 7035-01-M

Agricultural Cooperative Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: April 20, 1979.

The following Notices were filed in accordance with section 10526 (a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30

days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Bureau of Investigations and Enforcement, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

(1) AG Carriers, Inc. (Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations). P.O. Box 826, Leesburg, Florida 32748 (Principal Mailing Address—Street No., City, State, and Zip Code). Highway 441 Leesburg, Florida 32748 (Where Are Records Of Your Motor Transportation Maintained—Street No., City, State and Zip Code). Robert Hendrick, Ass't Sec. P.O. Box 826 Leesburg, Florida 32748. (Person To Whom Inquiries And Correspondence Should Be Addressed—Name and Mailing Address)

(2) American Farms Cooperative, Inc. (Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations). 111 E. Main Street, Waupun, Wisconsin 53963 (Principal Mailing Address—Street No., City, State, and Zip Code). American Farms Coop, Inc., 111 E. Main Street, Waupun, Wisconsin 53963. (Where Are Records Of Your Motor Transportation Maintained—Street No., City, State, and Zip Code). C. D. Osteen, P.O. Box 311, Waupun, Wisconsin 53963 (Person To Whom Inquiries and Correspondence Should Be Addressed).

(3) C & H Farm Lines. (Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations) 117 West Hatcher Road, Phoenix, Arizona 85021 (Principal Mailing Address—Street No., City, State, and Zip Code). 117 West Hatcher Road, Phoenix, Arizona 85021 (Where Are Records Of Your Motor Transportation Maintained—Street, No., City, State, and Zip Code). Joni Hunt 117 West Hatcher Road, Phoenix, Arizona 85021. (Person To Whom Inquiries and Correspondence Should Be Addressed—Name and Mailing Address).

(4) Albert Farms Shipper's Association, Inc., (Complete Legal Name

Of Cooperative Association Or Federation Of Cooperative Associations). P.O. Box 265, Worthington, Mass. 01098 (Principal Mailing Address—Street No., City, State, and Zip Code). Albert Farms, Huntington Road, Worthington, Mass. 01098 (Where Are Records Of Your Motor Transportation Maintained—Street No., City, State and Zip Code). Ronald A. Kievitt P.O. Box 265, Worthington, Mass. 01098 (Person To Whom Inquiries And Correspondence Should Be Addressed—Name and Mailing Address).

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-12713 Filed 4-23-79; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

April 6, 1979.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 14252 (Sub-50TA), filed March 15, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, Ohio 43227. Representative: William C. Buckham, 3400 Refugee Road, Columbus, Ohio 43227. *Common Regular. General commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) serving Galva, Kewanee, Macomb, and Monmouth, IL as off-route points in connection with carriers presently authorized regular route operations for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are (11) shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: ICC, Wm. J. Green, Jr., Federal Bldg., 600 Arch St., Rm. 3238, Philadelphia, PA 19106.

MC 14252 (Sub-51TA), filed March 15, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, Ohio 43227. Representative: William C. Buckham, 3400 Refugee Road, Columbus, Ohio 43227. *General commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) between the plant site of Caterpillar Tractor Co., at or near Peoria, IL and the plant site of Caterpillar Tractor Co., York, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Caterpillar Tractor Co., 100 N. E. Adams, Peoria, IL 61629. Send protests to: ICC, Wm. J. Green, Jr., Federal Bldg., 600 Arch St., Rm. 3238, Philadelphia, PA 19106.

MC 14252 (Sub-52TA), filed March 15, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, Ohio 43227. Representative: William C. Buckham, 3400 Refugee Road, Columbus, Ohio 43227. *General commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) serving Galesburg, IL as an off-route point in connection with carriers presently authorized regular route operations for 180 days. An underlying ETA seeks 90 days authority. Supporting

shipper(s): There are 5 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: ICC, Wm. J. Green, Jr., Federal Bldg., 600 Arch St., Rm. 3238, Philadelphia, PA 19106.

MC 14252 (Sub-53TA), filed March 15, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, Ohio 43227. Representative: William C. Buckham, 3400 Refugee Road, Columbus, Ohio 43227. Common Regular. *General commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) serving Monon, IL as an off-route point in connection with carriers presently authorized regular route operations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Firestone Tire & Rubber Company, P.O. Box 1320, Decatur, IL 62525. Send protests to: ICC, Wm. J. Green, Jr., Federal Bldg., 600 Arch Street, Rm. 3238, Philadelphia, PA 19106.

MC 14252 (Sub-54TA), filed March 26, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, Ohio 43227. Representative: William C. Buckham, 3400 Refugee Road, Columbus, Ohio 43227. *Tires, tubes and accessories* between Morton, IL and Cleveland, OH on the one hand, and Huntingburg, IN, on the other for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dunlop Tire & Rubber Co., 231 Detroit, Morton, IL 61550; Hoosier Bondag, Inc., W. 12th St., P.O. Box 184, Huntingburg, IN 47542. Send protests to: ICC, Wm. J. Green, Jr., Federal Bldg., 600 Arch Street, Philadelphia, PA 19106.

MC 87103 (Sub-34TA), filed March 26, 1979. Applicant: MILLER TRANSFER AND RIGGING CO., P.O. Box 6077, 3917 State Rt. 183, Edinburg, OH 58227. Representative: Edward P. Bocko (same address as applicant). *Tractors* (except truck tractors), *agricultural implements, farm machinery, industrial and construction machinery and equipment, and parts and attachments* for tractors, agricultural implements, farm machinery, and industrial and construction machinery and equipment, from Coldwater, OH, to points in AL, CT, DE, FL, GA, IL, IN, KY, LA, MA, ME, MD, MI, MS, NJ, NH, NY, NC, PA, RI, SC, TN, VT, VA, WV, and DC, restricted to shipments originating at or destined to the facilities of Avco New Idea Farm Equipment Division, The Paul Revere Corporation, for 180 days. An underlying

ETA seeks 90 days authority. Supporting shipper(s): The Paul Revere Corporation, Avco New Idea Farm Equipment Division, First and Sycamore Streets, Coldwater, OH 45828. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Bldg., Cleveland, OH 44199.

MC 110683 (Sub-137TA), filed March 20, 1979. Applicant: SMITH'S TRANSFER CORPORATION, Post Office Box 1000, Staunton, VA 24401. Representatives: Francis W. McInerney, 1000 16th Street N.W., Washington, DC 20036, and W. D. Kirkpatrick, P.O. Box 1000, Staunton, VA 24401. Common carrier: regular routes: *General commodities*, except those of unusual value, household goods as defined by the Commissioner, Classes A and B explosives, commodities in bulk, and those requiring special equipment, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 160 supporting statements to this application. Their statements may be examined at the office listed below or at the Commission Headquarters in Washington, DC. Send protests to: Paul D. Collins, DS, ICC, Room 10-502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 111812 (Sub-618TA), filed March 23, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, 1600 Benson Road, Sioux Falls, SD 57101 (Street ZIP 57104). Representative: R. H. Jinks (same address as applicants). *Hair care products, toilet preparations, and hair dryers*, singularly or in mixed loads from the facilities of Helene Curtis Industries, Inc. located at or near Franklin Park, IL to Los Angeles, San Francisco and Vacaville, CA; Clearwater, Jacksonville, Tampa and West Palm Beach, FL; Atlanta, GA; Des Moines, IA; Boston, MA; Baltimore, MD; Minneapolis, MN; Kansas City and St. Louis, MO; Buffalo and New York, NY; Portland, OR; Harrisburg, Lancaster, Philadelphia, Pittsburgh and Pottsville, PA; Seattle, WA; and Washington, D.C. and the commercial zones of all the above named points for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Helene Curtis Industries, Inc., 4401 W. North Avenue, Chicago, IL 60639. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 114273 (Sub-569TA), filed March 6, 1979. Applicant: CRST, INC., P.O. Box 68, 3930 16th Ave., Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney (same as applicant). Coal tar and petroleum resins (except in bulk, in tank vehicles), from Neville Island, PA to Oregon, IL for

180 days. In underlying ETA seeks 90 days authority. Supporting shipper(s): Dayton Sure-Grip & Shore Co., P.O. Box 57, Oregon, IL 61061. Send protests to: Herbert W. Allen, DS, ICC, 510 Federal Bldg., Des Moines, IA 50309.

MC 114273 (Sub-570TA), filed March 8, 1979. Applicant: CRST, INC., P.O. Box 68, 3930 16th Ave., Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney (same as applicant). Flour, N.I.I.; corn meal; macaroni products from Lincoln, NE to Fogelsville, PA and Bridgeport, NC for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Gooch Milling & Elevator Company, 540 South Street, Lincoln, NE 68501. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114273 (Sub-571TA), filed March 14, 1979. Applicant: CRST, INC., P.O. Box 68, 3930 16th Ave., Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney (same as applicant). *Scrap iron and steel* from Davenport, IA to points in PA, NJ, OH & NY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Rousenberger Steel Scrap, 32 Brywood Lane, Bettendorf, IA 52722. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114273 (Sub-572TA), filed March 14, 1979. Applicant: CRST, INC., P.O. Box 68, 3930 16th Ave., Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney, (same as applicant). *Foodstuffs, frozen*, from Downingtown, PA; Philadelphia, PA; Fogelsville, PA; Baltimore, MD; and Milford, DE to Omaha, NE for 180 days. Supporting shipper(s): Pepperidge Farm, Incorporated, 595 Westport Ave., Norwalk, CT 06856. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114552 (Sub-206TA), filed March 1, 1979. Applicant: SENN TRUCKING COMPANY, P.O. Box Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. *Aluminum and aluminum products, and materials, equipment, and supplies used in the manufacture, distribution, or installation of aluminum and aluminum products (except in bulk)*, between the facilities of V.A.W. of America, Inc., in St. Johns County, FL, on the one hand, and, on the other, points in TX, OK, KS, MO, AR, TN, KY, VA, WV, NC, SC, GA, MS, AL, LA, DC and the facilities of V.A.W. of America, Inc., at Ellenville, NY, for 180 days. Supporting shipper(s):

V.A.W. of America, Inc., P.O. Box 367, St. Augustine, FL 32084. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens Street, Columbia, SC 29201.

MC 114552 (Sub-207TA), filed February 21, 1979. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. *Pallets*, (1) from the facilities of Atlanta Southern Corporation located at or near Ellijay, GA, to Birmingham, AL and points within 65 miles of Birmingham and Mobile, AL and (2) from the facilities of Atlanta Southern Corporation located at or near Loganville, GA, to Birmingham, AL and points within 65 miles of Birmingham and Mobile, AL and points in FL, NC, VA, MD, WV, DE, NJ, PA and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Atlanta Southern Corporation, P.O. Box 730, Loganville, GA 30249. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens Street, Columbia, SC 29201.

MC 114632 (Sub-208TA), filed March 20, 1979. Applicant: APPLE LINES, INC. 212 SW., Second Street, Madison, SD 57042. Representative: David E. Peterson (same address as applicant's). *Hides, green or green salted* from the facilities of John Morrell & Co. at Sioux Falls, SD and Estherville, IA to Kansas City, MO for 180 days. Supporting shipper(s): John Morrell & Co., 208 S. LaSalle St., Chicago, IL 60604. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 115162 (Sub-468TA), filed March 19, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (address same as applicant). *Tractors, and tractor parts and attachments* from Racine, WI to the States of AL, GA, MS, TN, AR, LA, TX and FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): J. I. Case Company, 700 State Street, Racine, WI 53404. Send protests to: Mabel E. Holston, Transportation Asst., Bureau of Operation, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 115162 (Sub-469TA), filed March 19, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate, P.O. Drawer 500, Evergreen, AL 36401. *Gypsum wallboard*, from ports of entry on the International Boundary Line between the United States and Canada, at Detroit, MI and Buffalo, NY, to the Wickes Lumber and Supply

Centers located in the States of AL, AR, FL, GA, KY, LA, MS, MO, NC, OK, SC, TN, TX, and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wickes Lumber, 515 N. Washington Ave., Saginaw, MI 48607. Send protests to: Mabel E. Holston, Transportation Asst., Bureau of Operation, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 115162 (Sub-470TA), filed March 20, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate, (same address as Applicant). (PLEASE SEE ATTACHMENT.) Supporting shipper(s): Webster Industries, Inc., 58 Pulaski Street, Peabody, MA 01960. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operation, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 115322 (Sub-165TA), filed March 23, 1979. Applicant: REDWING REFRIGERATED, INC., 9831 S. Orange Avenue, P.O. Box 10177, Taft, FL 32809. Representative: L. W. Fincher, P.O. Box 426, Tampa, FL 33601. (1) *Charcoal, charcoal briquettes, vermiculite, active carbon and hickory chips*, (2) *Charcoal lighter fluid, charcoal grills, and accessories for charcoal grills*, and (3) *Materials, supplies, and machinery used in the manufacture and distribution of the commodities in (1) and (2) above (except commodities in bulk)*, between the facilities of Husky Industries, Inc., in FL and NY on the one hand, and on the other, points in ME, VT, MA, NY, CT, RI, NJ, PA, MD, DE, DC, VA, WV, NC, SC, GA, FL, AL, TN, KY, OH, AR, LA, MS, and MI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Husky Industries, Inc., 62 Perimeter Center E., Atlanta, GA 30346. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 116632 (Sub-21TA), filed March 19, 1979. Applicant: H. O. BOUCHARD, INC., MRC Box 141A, Bangor, ME 04401. Representative: John R. McKernan, Jr., P.O. Box 856, Portland, ME 04112. (1) *Pre-Cut log buildings and the materials used in the construction of pre-cut log buildings* from Bangor, ME to points in NH, VT, MA, CT, RI, NY, NJ, PA, OH, MI, WV, DE, MD, VA, NC, SC, GA, DC, IL, WI, KY, and IN; and (2) *Lumber* from points in Piscataquis County, ME to points in NH, VT, MA, CT, RI, NY, NJ, PA, DE, and MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s) (1) Northern Products Log Homes, Inc., Box 616, Bomarc Road, Bangor, ME 04401. (2)

Sylvain and Sylvain Inc., P.O. Box 130, Dover-Foxcroft, ME 04426. Send protests to: ICC, 76 Pearl St., Rm. 303, Portland, ME 04111.

MC 116632 (Sub-22TA), filed March 26, 1979. Applicant: H. O. BOUCHARD, INC., MRC Box 141 A, Bangor, ME 04401. Representative: John R. McKernan, Jr., P.O. Box 586, Portland, ME 04112. *Baled woodpulp* from Woodland, ME to Gilman, VT, Lyons Falls and Plattsburg, NY and Reading, PA, for 180 days. An underlying ETA seeks 90 days Authority. Supporting shipper(s): Georgia-Pacific Corp., Woodland, ME 04694. Send protests to: ICC, 76 Pearl St., Rm. 303, Portland, ME 04111.

MC 116763 (Sub-267TA), filed March 21, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., P.O. Box 1196, Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *Canned and preserved foodstuffs (except commodities in bulk, in tank vehicles)*, from the facilities of Heinz USA, Division of H. J. Heinz Co., at or near Fremont, OH, to points in ME, MA, NH and VT, for 180 days. Restricted to traffic originating at the above named facilities and destined to the named states. Supporting shipper(s): Heinz USA, Div. of H. J. Heinz Company, William L. Reeder, Coordinator—Distribution Planning, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Bureau of Operations, ICC, Wm. J. Green, Jr., Federal Bldg., 600 Arch St., Room 63238, Philadelphia, PA 19106.

MC 116763 (Sub-268TA), filed March 21, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., P.O. Box 1196, Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *Clay and clay products (except commodities in bulk)*, from the facilities of Oil-Dri Corporation of America located at or near Ochlocknee, GA, to points in IL, IN and OH, for 180 days. Restricted to traffic originating at and destined to the above named territory. An underlying ETA seeks 90 days authority. Supporting shipper(s): Oil-Dri Corporation of America, Phillip L. Fields, Asst. Director of Transportation, 520 North Michigan Ave., Chicago, IL 60611. Send protests to: Bureau of Operations, ICC, Wm. J. Green, Jr., Federal Bldg., 600 Arch St., Room 63238, Philadelphia, PA 19106.

MC 116763 (Sub-269TA), filed March 20, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., P.O. Box 1196, Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *Paper and paper products*, from the facilities of International Paper

Company at or near Georgetown, SC, to points in CT, DE, IL, IN, IA, MA, ME, MI, MD, MN, MO, NH, NJ, NY, OH, PA, RI, VT and WI. Restricted to the transportation of traffic originating at the above named origin, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Paper Company, R. W. Strong, Transportation & Economics Specialist, P.O. Box 160707, Mobile, AL 36616. Send protests to: Bureau of Operations, ICC, Wm. J. Green, Jr., Federal Bldg., 600 Arch St., Room 63238, Philadelphia, PA 19106.

MC-117503 (Sub-15TA), filed March 27, 1979. Applicant: HATFIELD TRUCKING SERVICE, INC., 1625 North C Street, Sacramento, CA 95814. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, (415) 986-8696, San Francisco, CA 94108. *General commodities*, except commodities in bulk, Class A explosives, household goods as defined by the Commission, and those of unusual value, between the San Francisco International Airport at or near San Francisco, CA, and the Los Angeles International Airport at or near Los Angeles, CA, *restricted to the transportation of traffic having prior or subsequent movement by air*, and further *restricted to movements in trailers equipped with rollerized floors*, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Western Airlines, San Francisco International Airport, San Francisco, CA 94128. Send protests to: A.J. Rodriguez, DS, ICC, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC-119493 (Sub-270TA), filed March 26, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196 West 20th Street Road, Joplin, Missouri 64801. Representative: Thomas D. Boone, (same as applicant). (1) *Chemicals and chemical compounds* (except in bulk) from Ringwood, IL to Weeks Island, LA, (2) *Chemicals and chemical compounds* (except in bulk) from Weeks Island, LA to Ringwood, IL and Elk Grove Village, IL, (3) *Containers* from Weeks Island, LA to Ringwood, IL, for 180 days. Supporting shipper(s): Morton Chemical Company, Div. of Morton-Norwich Products, Inc., 110 North Wacker Drive, Chicago, IL 60606. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Missouri 64106.

MC 127042 (Sub-251TA), filed March 22, 1979. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98, Leeds Station, Sioux City, IA 51108. Representative: Robert G. Tessar (same

address as applicant). *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Glenwood and Des Moines, IA to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John H. Groth, Swift & Company, 115 W. Jackson Blvd., Chicago, IL 60604. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 127042 (Sub-252TA), filed March 22, 1979. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98, Leeds Station, Sioux City, IA 51108. Representative: Robert G. Tessar (same address as applicant). *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Milwaukee, WI to points in UT, for 180 days. Supporting shipper(s): R. K. Ten Broek, Wisconsin Packing Company, 4700 No. 132nd St., Butler, WI. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 127042 (Sub-253TA), filed March 22, 1979. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98, Leeds Station, Sioux City, IA 51108. Representative: Robert G. Tessar (same address as applicant). *Household products and related articles*, from Waxdale and Racine, WI to points in IL, IA, KS, MN, MO, NE, and CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): G. H. Anderson, S. C. Johnson & Son, Inc., 1525 Howe St., Racine, WI 53403. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 136343 (Sub-161TA), filed March 26, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: George A. Olslen, P.O. Box 357, Gladstone, NJ 07934. Such commodities as are dealt in or used by manufacturers and distributors of printed matter (except commodities in bulk) from Kingsport and New Canton, TN, to Birmingham, AL; Chicago, Elk Grove Village, Peoria, South Holland, Wheaton, IL; Indianapolis, Pinola, Terre Haute, Winona Lake, IN; Gaithersburg, MD; Boston, Plympton, Waltham, West Hanover, MA; Bellmawr, East Rutherford, Hightstown, Newark

(District), Riverside, Somerset, Wayne, NJ; Buffalo, Kirkwood, New York (District), West Nyack, NY; Cincinnati and Columbus, OH; Fairfield (Adams County), Hanover, Mechanicsburg (Cumberland County), Philadelphia, Throop, Scranton, PA; and Berryville, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kingsport Press, P.O. Box 711, Kingsport, TN. Send protests to: Interstate Commerce Commission, Wm. J. Green, Jr., Federal Bldg., 600 Arch Street, Rm. 3238, Philadelphia, PA 19106.

MC 138652 (Sub-5TA), filed March 26, 1979. Applicant: BAKER TRUCK SERVICE, INC., 407 North C Street, Grangeville, ID 83530. Representative: Larry O. Nelson, P.O. Box 106, Grangeville, ID 83530. *Lumber*, between Grangeville, ID and Townsend, MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wickes Forest Ind., Grangeville, ID 83530. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83706.

MC 138432 (Sub-12TA), filed March 22, 1979. Applicant: GARLAND GEHRKE, RR1, Lincoln, IL 62656. Representative: James R. Madler, 120 West Madison St., Chicago, IL 60602. Canned and preserved foodstuffs from the facilities of Heinz Co. at or near Muscatine, IA and Iowa City, IA to points in the Chicago, IL commercial zone and points in St. Louis, MO commercial zone—restricted to traffic originating at the named facilities and destined to the named points, for 180 days. An underlying ETA 90 days authority. Supporting shipper(s): Heinz U.S.A. Division of H.J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, Room 414, Leland Office Building, 527 East Capitol Avenue, Springfield, Illinois 62701.

MC 138882 (Sub-232TA), filed March 19, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: Bill Jackson, P.O. Box 1240, Arlington, VA 22210. *Flour and corn meal* (except in bulk), from the facilities of Shawnee Milling Co., at or near Shawnee, OK to points in AL, FL, TN, GA, LA, SC, NC, MS, and KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Shawnee Milling Co., P.O. Box 1567, Shawnee, OK 74801. Send protests to: Mabel E. Holston, Transportation Asst., Bureau of Operation, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 139482 (Sub-106TA), filed March 16, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. *Beverages, including carbonated mineral water and beer, from Cold Spring, MN to Phoenix, AZ, San Francisco, Sacramento, Santa Rosa and Los Angeles, CA, Denver, CO, Washington, DC, Miami and Tampa, FL, Atlanta, GA, Boise, ID, New Orleans, LA, Detroit and Madison Heights, MI, New York City, NY, Portland, OR, Philadelphia and Pittsburgh, PA, Houston, Dallas and Fort Worth, TX, Salt Lake City, UT, and Seattle and Spokane, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cold Spring Brewing Company, Plant Manager, Cold Spring, MN 56320. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.*

MC 139482 (Sub-107TA), filed February 28, 1979. Applicant: NEW ULM FREIGHT LINES, INC., County Road 29 West, New Ulm, MN 56073. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. *Green coffee from Laredo, TX, New Orleans, LA and Houston, TX to Minneapolis, MN and its commercial zone, for 180 days. Supporting shipper(s): McGarvey Coffee, Inc., 5925 Highway 7, Minneapolis, MN 55416. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.*

MC 139482 (Sub-108TA), filed February 28, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Electric light bulbs from St. Mary's, PA and Salem and Danvers, MA and points in their commercial zones to Seattle, WA and points in its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): GTE Sylvania, Inc., 100 Endicott Street, Danvers, MA 01923. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.*

MC 139482 (Sub-109TA), filed March 1, 1979. Applicant: NEW ULM FREIGHT LINES, INC., County Road 29 West, New Ulm, MN 56073. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. *Foodstuffs from*

Marshall, MN to points in the United States (except AK and HI), for 180 days. Supporting shipper(s): Marshall Foods, Inc., Marshall, MN. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 139482 (Sub-110TA), filed March 8, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. *Foodstuffs, other than frozen, except in bulk, from the facilities of RJR Foods, Inc., at or near Ortonville, MN to points in IA, NE, ND and SD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): RJR Foods, Inc., P.O. Box 3037, Winston-Salem, NC 27102. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.*

MC 139482 (Sub-111TA), filed March 9, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. *Turkey, poultry and hog feeding equipment from Manchester, IN to South St. Paul, Courtland and St. Cloud, MN, for 180 days. Supporting shipper(s): The Warner Corporation, Box 180, 802 West Main Street, North Manchester, IN 46962. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.*

MC 139482 (Sub-112TA), filed March 21, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. *Pet food from Tupelo, MS and Red Bay, AL to points in IL, MO, IN, OH, MI, IA, MN, WI and KS, for 180 days. Supporting shipper(s): Sunshine Mills, Inc., Traffic Manager, Highway 45 South, P.O. Box 1483, Tupelo, MS 38801. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.*

MC 141402 (Sub-26TA), filed March 12, 1979. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 427, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract carrier: Irregular routes: (1) Foodstuffs, not frozen and (2) materials, equipment and supplies, used in the manufacture of foodstuffs (except commodities in bulk),*

between the facilities of Brooks Foods Division at or near Mr. Summit, IN on the one hand, and, on the other, Collinsville, IL and St. Louis, MO. Under contract with Brooks Foods Division at Mt. Summit, IN, for 180 days. Supporting shipper(s): Currice-Burns, Inc., Brooks Foods Division, Rural Route 30, Mt. Summit, IN 47361. Send Protests to: Beverly J. William, Transportation Assistant, I.C.C. 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 142672 (Sub-55TA), filed March 26, 1979. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Candy and confectionery, from the facilities of Bortz Chocolate Company, at or near Reading, PA, to Vernon, CA and Garland, TX, for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bortz Chocolate Co., 1414 Moss St., Reading, PA 19604. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.*

MC 144233 (Sub-4TA), filed March 26, 1979. Applicant: RAJEAN, INC., Highway 64 East, Russellville, AR 72801. Representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. *Boots, shoes and shoe findings and supplies; and dry adhesive chemicals in containers, from the facilities of Genesco, Inc., in Nashville, TN to points and places in CA, and to Eugene, OR, restricted to movements of the above commodities originating at the facilities of Genesco, Inc. in Nashville, TN, for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Genesco, Inc., Genesco Park, Nashville, TN 37202. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.*

MC 144233 (Sub-5TA), filed March 19, 1979. Applicant: RAJEAN, INC., Highway 64 East, Russellville, AR 72801. Representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. *Zinc oxide, zinc dust, zinc slabs, and zinc dross (except commodities in bulk in tank vehicles), from the facilities of St. Joe Zinc Company located in Josephstown, Potter Township, Beaver County, PA, to points in the U.S. (except AK, HI, PA, TN), for 180 days as a common carrier over irregular routes. Supporting shipper(s): St. Joe Zinc Company, Two Oliver Plaza, Pittsburgh, PA 15222. Send protests to: William H.*

Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 144572 (Sub-11TA), filed March 20, 1979. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202. (1) *Packaged chemicals* (a) from points in CA, CT, DE, FL, GA, IL, IA, KS, KY, LA, MD, MI, MS, MO, NV, NJ, NY, NC, OH, OR, PA, TN, WA, WV and WI to points in Denver and Grand Junction, CO; and (b) from points in the states set forth in (a) above, with the exception of CA, to points in CA; (2) *Such merchandise as is dealt in by retail pharmacy stores* from Los Angeles, CA to Portland, OR and Denver, CO; and (3) *Dried beverage preparations* from Los Banos, CA to Salt Lake City, UT and Denver, CO for 180 days. RESTRICTION: (1) Restricted against the transportation of commodities in bulk, and (2) Restricted to traffic originating at or destined to the facilities of Foremost-McKesson, Inc. and its wholly owned subsidiary, Formac, Inc. Applicant has filed underlying 90 day ETA. Supporting shipper: Foremost-McKesson, Inc., Crocker Plaza, One Post St., San Francisco, CA 94104. Send protests to: D/S Roger L. Buchanan, ICC, 492 U.S. Customs House, 721 19th St., Denver, CO 80202.

MC 144572 (Sub-12TA), filed March 16, 1979. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202. *Malt beverages and related advertising materials* from Phoenix, AZ; Los Angeles and Irvine, CA; Belleville and Peoria Heights, IL; and Milwaukee, WI to facilities of Murray Bros. Distributing at Denver, CO for 180 days. RESTRICTED: against the transportation of commodities in bulk. Underlying ETA filed seeking 90 days authority. Supporting shipper: Murray Bros. Distributing Co., 1505 West Third Ave., Denver, CO 80223. Send protests to: D/S Roger L. Buchanan, ICC, 721 19th St., 492 U.S. Customs House, Denver, CO 80202.

MC 144622 (Sub-45TA), filed March 20, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Theodore Polydoroff, 1307 Dolley Madison, Suite 301, McLean, VA 22101. *Dairy products* from Portage and Monroe, WI to AR, MO, TX and KS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour Fresh Meats Co., Greyhound

Tower, Phoenix, AZ 85077. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 144622 (Sub-46TA), filed March 21, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same as applicant); Theodore Polydoroff, 1307 Dolley Madison Blvd., McLean, VA 22101. *Candy and confectionery* in vehicles equipped with mechanical refrigeration, from the plantsites and warehouses of E. J. Brach & Sons in the Chicago, IL commercial zone to points in LA, MS, TN, GA, NM, and TX, for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): E. J. Brach & Sons, 4757 W. Kinzie St., Chicago, IL 60644. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 144622 (Sub-47TA), filed March 21, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Theodore Polydoroff, 1307 Dolley Madison Blvd., McLean, VA 22101. *Meat, meat products, meat by-products and articles* distributed by meat packing houses, as described in Section A of Appendix 1 to the report in Descriptions in Motor Carrier Certificate 61 MCC 209 and 766 (except hides and commodities in bulk), (1) from the facilities of and utilized by Armour and Co., at or near Omaha, NE, to points in CA and TN, (2) from the facilities of and utilized by Armour and Co. at or near Worthington, MN, to TN, MS and GA, (3) from the facilities of and utilized by Armour and Co. at or near Memphis, TN, to New York and CT, (4) from the facilities of and utilized by Armour and Co. at or near Sioux City, IA, and St. Joseph, MO, to TX, for 180 days as a common carrier over irregular routes. An underlying seeks 90 days authority. Supporting shipper(s): Armour Fresh Meats Co., Greyhound Tower, Phoenix, AZ 85077. Send Protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 144622 (Sub-48TA), filed March 9, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn, 11800 Arch Street Pike (same as applicant); Theodore Polydoroff, 1307 Dolley Madison Blvd., McLean, VA 22101. *Title and commodities* used in the distribution and installation of title (except commodities in bulk), from

Chicago, IL to points in AZ, CA, ID, NV, OR, UT and WA, for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kentile Floors, Inc., 58 Second Avenue, Brooklyn, NY 11215. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145072 (Sub-9TA), filed March 26, 1979. Applicant: M.S. CARRIERS, INC., 7372 Eastern Avenue, Memphis, TN 38138. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Agricultural chemicals* (except in bulk), and *products used in the manufacture, distribution and sale of agricultural chemicals* (except in bulk) between points in AL, AR, FL, GA, LA, MS, NJ, NC, OK, PA, SC, TN, TX and VA, for 180 days. Restricted to traffic originating at or destined to the facilities of the Helena Chemical Company. Supporting shipper(s): Helena Chemical Company, 5100 Poplar Avenue, Memphis, TN 38137. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, TN 38103.

MC 145072 (Sub-10TA), filed March 26, 1979. Applicant: M.S. CARRIERS, INC., 7372 Eastern Avenue, Germantown, TN 38138. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Tires, tubes, wheels, rims, caps and lug nuts* from the facilities of The Tire and Battery Corporation located at or near Memphis, TN to Brighton, MI and points in its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Tire and Battery Corporation, 4770 Hickory Hill Road, Memphis, TN 38118. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, TN 38103.

MC 145152 (Sub-50TA), filed March 21, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Such commodities* as are dealt in or used by wholesale and retail discount and variety stores, between points in the states of AR, IL, KY, KS, LA, MO, MS, OK, TN and TX, for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wal-Mart Stores, Inc., P.O. Box 116,

Bentonville, AR 72712. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145152 (Sub-51TA), filed March 21, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764.

Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Unfinished hand tools* from the facilities of Armstrong Brothers Tool Company, at or near Fayetteville, AR, on the one hand, and on the other, the facilities of Armstrong Brothers Tool Company, at or near Chicago, IL, for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armstrong Brothers Tool Company, 2501 Armstrong Avenue, Fayetteville, AR 72701. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145152 (Sub-52TA), filed March 1, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. (1) Petroleum and petroleum products, emulsified sizing and gasoline additives (except in bulk), from Bradford, New Kensington, and Petrolia, PA and McKean County, PA, to points in AL, AR, CO, FL, GA, IA, IL, IN, KS, KY, LA, MI, MN, MO, MS, NC, ND, NE, OH, OK, SC, SD, TN, TX, VA, WV and WI; and (2) Petroleum and petroleum products, emulsified sizing and gasoline additives (except in bulk), from Houston, TX to points in AL, AR, CO, FL, GA, IA, IL, IN, KS, KY, LA, MI, MN, MO, MS, NC, ND, NE, OH, OK, SC, SD, TN, TX, VA, WV and WI, for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Witco Chemical Corporation, 77 North Kendall Avenue, Bradford, PA 16701. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145152 (Sub-53TA), filed March 1, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Petroleum and petroleum products* (except in bulk), from Emlenton, Farmers Valley, North Warren, New Kensington and Kimberlin, PA; Buffalo and North Tonawanda, NY; and Congo and St. Marys, WV, to points in AL, AR, CO, FL, GA, KS, KY, LA, MS, NC, OK, SC, TN and TX, for 180 days as a common

carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Quaker State Refinery Corporation, P.O. Box 989, Oil City, PA 16301. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145152 (Sub-54TA), filed March 1, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. Petroleum products in packages from Maryland Heights, MO to Chicago and Peoria, IL and points in AR, CO, LA, KS, MS, NE, NM, OK and TX, for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pennzoil Company, P.O. Box 808, Oil City, PA 16301. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, Little Rock, AR 72201.

MC 145152 (Sub-55TA), filed March 9, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Canned and preserved foodstuffs*, from the facilities of Heinz USA, at or near Iowa City and Muscatine, IA, to points in AL, AR, FL, GA, LA, MS, OK, SC and TX, for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145152 (Sub-56TA), filed March 9, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Such commodities* as are dealt in or used by wholesale and retail discount and variety stores, from points in the states of New Jersey and NY to Bentonville and Searcy, AR, for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR 72712. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145152 (Sub-57TA), filed March 22, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box

706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. (1) *Canned Goods, macaroni* in bags and flour in bags, from the facilities of Campbell Soup Company, at or near Chicago, IL, on the one hand, and on the other, Paris, TX; and (2) *Canned goods* from the facilities of Campbell Soup Company, at or near Chicago, IL, to Maxton, NC, for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Campbell Soup Company, 2550 West 35th Street, Chicago, IL 60632. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145152 (Sub-58TA), filed March 9, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Such commodities* as are dealt in or used by wholesale and retail discount and variety stores, from Charlotte, NC to Bentonville, Fort Smith and Searcy, AR, as a common carrier over irregular routes, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR 72712. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145242 (Sub-10TA), filed February 8, 1979. Applicant: CASE HEAVY HAULING, INC., P.O. Box 267, Warren, OH 44482. Representative: Paul F. Berry, Esq., 275 E. State Street, Columbus, OH 43215. *Steel bars and rods*, from the facilities of Illinois Birmingham Bolt, Kankakee, IL, to the facilities of West Virginia Birmingham Bolt at or near Nitro, WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Illinois Birmingham Bolt, P.O. Box 628, Kankakee, IL 60091. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Office Building, Cleveland, Ohio 44199.

MC 145242 (Sub-11TA), filed March 13, 1979. Applicant: CASE HEAVY HAULING, INC., P.O. Box 267, Warren, OH 44482. Representative: Paul F. Berry, Esq., 275 East State St., Columbus, OH 43215. *Aluminum and aluminum articles*, from the facilities of Kaiser Aluminum & Chemical Corporation at or near Ravenswood, WV, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC, for 180 days. An underlying ETA seeks 90 days authority.

Supporting shipper(s): Kaiser Aluminum & Chemical Corporation, P.O. Box 98, Ravenswood, WV 26164. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Office Building, Cleveland, OH 44199.

MC 146303 (Sub-3TA), filed March 9, 1979. Applicant: COLO-TEX INDUSTRIES, INCORPORATED, 1325 West Quincy Avenue, Englewood, CO 80110. Representative: Kenneth R. Vancil (same address as above). *Meats, meat by-products, and articles distributed by packinghouses*, except hides, commodities in bulk and commodities in tank vehicles, from Denver, CO and its commercial zone to CA, NE, NM, UT, TX, OK, KS, NV, IA, MO, WI, IL, IN, ME, MI, OH, KY, TN, AL, GA, FL, SC, NC, VA, WV, MD, NJ, PA, NY, CT, RI, NH, VT, LA and MA, for 180 days. Supporting Shipper(s): Pepper Packing Company, 901 E. 46th Ave., Denver, CO 80216; United Packing Company, 5000 Clarkson St., Denver, CO 80216; Peppertree Beef Company, 5300 Franklin, Denver, CO 80216; Wilson Foods Corporation, 4950 Washington, Denver, CO 80216; Mountview Packing Company, 2520 S. Raritan, Englewood, CO 80150; Roth Boneless Beef, Inc., 4340 Glencoe St., Denver, CO 80216; Colorado Boneless Beef, Inc., 4555 Kingston St., Denver, CO 80239. Send protests to: District Supervisor, Herbert C. Ruorf, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 146452TA, filed February 28, 1979. Applicant: ALBERTSON'S, INC., P.O. Box 20, Boise, ID 83726. Representative: William H. Grady, 1100 Norton Building, Seattle, WA 98104. *Frozen novelties*, from Caldwell, ID to Salt Lake City, UT, in contract carriage, for 180 days. Supporting Shipper(s): Western General Dairies, Inc., 195 West 7200 South, Midvale, UT 84047. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83706.

MC 146453TA, filed February 23, 1979. Applicant: TOM ROWE SERVICES, 107 Roberts Lane, Bakersfield, CA 93308. Representative: Earl N. Miles, Jr., 3704 Candlewood Drive, Bakersfield, CA 93306. (1) *Clay, barytes, metal tanks used for the storage of commodities used in well drilling; and (2) Clay, barytes, gas or oil well drilling mud - compounds or mud treating compounds, metal tanks used for storage or same*, (1) from points in Clark, Churchill, Elko, Esmeralda, Humboldt, Lander, Nye, Pershing and Washoe Counties, NV, to points in Kern and Santa Barbara Counties, CA; and (2) from points in Kern County, CA to all points within the state of Nevada, for 180 days. Supporting Shipper(s): Poly Chem

International, 320 Sumner Street, Bakersfield, CA 93305. Milchem Incorporated, P.O. Box 9669, Bakersfield, CA 93389. Pacific Mud Company, Inc., 1426 "P" Street, Bakersfield, CA 93301. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

By the Commission.

H. G. Homma, Jr.,
Secretary.

[Notice No. 49]

[FR Doc. 79-12718 Filed 4-23-79; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Applications; Decision-Notice

Decided: April 2, 1979.

The following applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall

promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

We Find:

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed within 30 days of

publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

H. G. HOMME, Jr.,
Secretary.

(1) MC 72243 Sub-60F. Applicant: THE AETNA FREIGHT LINES, INC., P.O. Box 350, Warren, OH, 44482. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245.

(2) MC 113855 Sub-467F. Applicant: INTERNATIONAL TRANSPORT, INC., a North Dakota corporation, 2450 Marion Road, S.E., Rochester, MN, 55901. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126.

(3) MC 114334 Sub-45F. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 3710 Tulane Road, Memphis, TN, 38116. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760.

(4) MC 123407 Sub-538F. Applicant: SAWYER TRANSPORT, INC., a Minnesota corporation, South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760.

(5) MC 138104 Sub-65F. Applicant: MOORE TRANSPORTATION COMPANY, INC., 3509 North Grove, Fort Worth, TX, 76106. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245.

(6) MC 140546 Sub-3F. Applicant: ROADHOUND TRUCK COMPANY, a corporation, 811 W. Hale Street, Osceola, AR, 72728. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760.

Note.—Dual operations may be involved. By applications filed February 12, 1979, the 6 above-named carriers are

granted authority to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, between the facilities of Tex-Ark Joist Company, at or near Hope, AR, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Tex-Ark Joist Company. (Hearing site: Dallas, TX, or New Orleans, LA.)

(1) MC 23618 Sub-46F. Applicant: McALISTER TRUCKING COMPANY, d.b.a. MATCO, a corporation, P.O. Box 2377, 2041 South Treadaway Boulevard, Abilene, TX 79604. Representative: Lawrence A. Winkle, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, TX 75245.

(2) MC 35831 Sub-17F. Applicant: E. A. HOLDER, INC., P.O. Box 69, Kennedale, TX 76060. Representative: Billy R. Reid, P.O. Box 8335, Fort Worth, TX 76112.

(3) MC 72243 Sub-61F. Applicant: THE AETNA FREIGHT LINES, INC., P.O. Box 350, Warren, OH, 44482. Representative: Lawrence A. Winkle, Suite 1125 Exchange Park, P.O. Box 45538, Dallas TX 75245.

(4) MC 73165 Sub-463F. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, Birmingham, AL 35202. Representative: R. Cameron Rollins (same address as applicant).

(5) MC 88380 Sub-34F. Applicant: REB TRANSPORTATION, INC. P.O. Box 4309, Fort Worth, TX 76106. Representative: Lawrence A. Winkle, Suite 1125 Exchange Park, P.O. Box 45538, Dallas TX 75245.

(6) MC 100666 Sub-430F. Applicant: MELTON TRUCK LINES, INC., 1129 Grimmer Drive, Shreveport, LA 71107. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760.

(7) MC 113855 Sub-468F. Applicant: INTERNATIONAL TRANSPORT, INC., a North Dakota corporation, 2450 Marion Road, SE, Rochester, MN 55901. Representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, ND 58126.

(8) MC 114334 Sub-46F. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 3710 Tulane Road, Memphis, TN, 38116. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760.

(9) MC 115092 Sub-78F. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 10, Vernal, Utah 84078. Representative: Lawrence A. Winkle,

Suite 1125, Exchange Park, P.O. Box 45538, Dallas, TX 75245.

(10) MC 115904 Sub-136F. Applicant: GROVER TRUCKING COMPANY, a corporation, 1710 West Broadway, Idaho Falls, ID 83401. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760.

(11) MC 119774 Sub-97F. Applicant: EAGLE TRUCKING COMPANY, a corporation, P.O. Box 471, Kilgore, TX, 75662. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX, 76116.

(12) MC 119777 Sub-358F. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85-East, Madisonville, KY, 42431. Representative: Lawrence A. Winkle, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, TX 75245.

(13) MC 119789 Sub-544F. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: Lawrence A. Winkle, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, TX 75245.

(14) MC 120761 Sub-52F. Applicant: NEWMAN BROS. TRUCKING COMPANY, a corporation, P.O. Box 13302, Fort Worth, TX 76118. Representative: Lawrence A. Winkle, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, TX 75245.

(15) MC 123407 Sub-539F. Applicant: SAWYER TRANSPORT, INC., a Minnesota corporation, South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: H. E. Miller, Jr., (same address as applicant).

(16) MC 138104 Sub-66F. Applicant: MOORE TRANSPORTATION COMPANY, INC., 3509 North Grove, Fort Worth, TX 76106. Representative: Lawrence A. Winkle, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, TX 75245.

(17) MC 140546 Sub-4F. Applicant: ROADHOUND TRUCK COMPANY, a corporation, 811 W. Hale Street, Osceola, AR, 72728. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760.

(18) MC 141489 Sub-1F. Applicant: HUNTER TRUCKING, INC., 805 32nd Avenue, Council Bluffs, IA 51501. Representative: Lawrence A. Winkle, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, TX 75245.

(19) MC 142130 Sub-3F. Applicant: CRESCENT INDUSTRIES, INC., P.O. Box 18146, Dallas, TX 75218. Representative: Lawrence A. Winkle, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, TX 75245.

(20) MC 142831 Sub-11F. Applicant: HAMRIC TRANSPORTATION, INC., 3318 E. Jefferson Avenue, Grand Prairie,

TX 75051. Representative: Lawrence A. Winkle, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, TX 75245.

(21) MC 143548 Sub-2F. Applicant: LARRY VITTOW, 300 Lee Street, Sulphur Springs, TX 75482. Representative: Lawrence A. Winkle, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, TX 75245.

(22) MC 144470 Sub-3F. Applicant: CLARENCE COBB, d.b.a. COBB TRUCKING SERVICE, Route 3, Box 177, Bryan, TX 77801. Representative: Lawrence A. Winkle, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, TX 75245.

By applications filed February 12, 1979, the 22 above-named carriers are granted authority to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, between the facilities of Tex-Ark Joist Company, at or near Plum, TX, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Tex-Ark Joist Company. (Hearing site: Dallas, TX, or New Orleans, LA.)

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[FR Doc. 79-12714 Filed 4-23-79; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Applications; Decision-Notice

Decided: April 16, 1979.

The following applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant

would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

On cases filed on or after March 1, 1979, petitions for intervention either with or without leave are appropriate.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

We Find:

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human

environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

IL G. HOMME, Jr.,
Secretary.

MC 1083 (Sub-3F), filed February 1, 1979. Applicant: BOWER TRANSPORTATION SERVICES, INC., P. O. Box 609, 1101 West 11th Street, Vancouver, WA 98666. Representative: John G. McLaughlin, Suite 1440-200 Market Building, Portland, OR 97201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *lumber, lumber mill products and wood products*, between points in Skamania, Cowlitz, and Clark Counties, WA, and Multnomah, Clackamas, Washington, and Columbia Counties, OR, on the one hand, and, on the other, points in OR and WA, (2) (a) *paper and paper articles, plastic and plastic articles*, (except commodities in bulk, in tank or hopper equipment), and (b) *equipment and materials* (except commodities in bulk, in tank or hopper equipment), used in the manufacture

and distribution of the commodities named in (2)(a) above, between points in OR, WA, and ID. (Hearing site: Portland, OR.)

MC 52793 (Sub-25F), filed February 8, 1979. Applicant: BEKINS VAN LINES CO., a corporation, 333 S. Center Street, Hillside, IL 60525. Representative: Russell S. Bernhard, 1625 K Street, NW., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture*, from Brookneal and Appomattox, VA, to points in ME and those in Allegany, Bronx, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Cortland, Delaware, Erie, Genesee, Herkimer, Jefferson, Kings, Lewis, Livingston, Madison, Monroe, New York, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Otsego, Queens, Richmond, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Wayne, Wyoming, and Yates Counties, NY. (Hearing site: Washington, DC.)

MC 63562 (Sub-59F), filed February 5, 1979. Applicant: BN TRANSPORT, INC., 6775 East Evans Avenue, P. O. Box 22694-Wellshire Station, Denver, CO 80224. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *buildings, building panels, and building parts*, and (b) *materials, accessories, and supplies* used in the installation, erection, and construction of the commodities in (a) above, from Galesburg, IL, to points in CO, IA, ID, KS, MN, MT, ND, NE, OR, SD, WA, and WY; and (2)(a) *tanks and grain bins*, knocked-down, and (b) *parts and accessories* for the commodities in (2)(a) above, from Kansas City, MO, to points in CO, IA, ID, IL, IN, KS, MN, MO, MT, NE, ND, OR, SD, WA, WI, and WY. (Hearing site: Chicago, IL; or Washington, DC.)

MC 67403 (Sub-4F), filed January 29, 1979. Applicant: BROES TRUCKING CO., INC., Interstate Hwy 295 & Dominick Lane, Paulsboro, NJ 08066. Representative: Ira G. Megdal, 499 Cooper Landing Road, Cherry Hill, NJ 08002. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, (1) from the facilities of Federal Steel Corporation, at Cornwells Heights and Philadelphia, PA, to New York, NY, Red Lion, West Hazelton, Montoursville, and Windber, PA, Baltimore, MD, Meriden and Bridgeport, CT, and points in

Suffolk County, NY, and (2) from New York, NY, to the facilities of Federal Steel Corporation, at Cornwells Heights, PA. (Hearing site: Philadelphia, PA, or Camden, NJ.)

MC 67403 (Sub-6F), filed January 30, 1979. Applicant: BROES TRUCKING CO., INC., Interstate Hwy 295 & Dominick Lane, Paulsboro, NJ 08066. Representative: Ira G. Megdal, Esquire, 499 Cooper Landing Road, P.O. Box 5459, Cherry Hill, NJ 08002. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles* (a) from the facilities of Brussels Steel America, Inc., at Bala Cynwyd, PA, to Parkesburg, Lancaster, Lebanon, Windber, Johnston, Moosic, Sinking Spring, Hazelton, Darby, Scranton, Philipsburg, Pottsville, Devault, York, Norristown, Perkasie, Bridgeport, Langhorne, Hatfield, Wilkes-Barre, Boyertown, West Chester, Bally, Broomall, Carlisle, and Milton, PA, Cumberland, Bladensburg, and Baltimore, MD, Menands, Newburgh, Warnerville, Liverpool, Binghamton, New Windsor, and South Fallsburg, NY, and (b) from New York, NY, to the facilities of Brussels Steel America, Inc., at Bala Cynwyd, PA. (Hearing site: Philadelphia, PA or Camden, NJ.)

MC 67403 (Sub-7F), filed January 31, 1979. Applicant: BROES TRUCKING CO., INC., Interstate Hwy 295 & Dominick Lane, Paulsboro, NJ 08066. Representative: Ira G. Megdal, Esq., 499 Cooper Landing Road, Cherry Hill, NJ 08002. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles* (1) from the facilities of Continental Steel Corp., at Cornwells Heights, PA, to Ronkonkoma, and New York, NY, and Baltimore, MD, and (2) from New York, NY, to the facilities named in (1) above. (Hearing site: Philadelphia, PA or Camden, NJ.)

MC 67403 (Sub-8F), filed January 31, 1979. Applicant: BROES TRUCKING CO., INC., Interstate Hwy 295 & Dominick Lane, Paulsboro, NJ 08066. Representative: Ira G. Megdal, Esquire, 499 Cooper Landing Road, Cherry Hill, NJ 08002. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, (1) from the facilities of Bristol Supply Company, at Bristol, PA, to New Windsor, New York, and Ellenville, NY, Stratford, CT, and Tipton and Shavertown, PA, and (2) from Tipton, PA, and New York, NY, to the facilities of Bristol Supply Company, at Bristol,

PA. (Hearing site: Philadelphia, PA or Camden, NJ.)

MC 67403 (Sub-9F), filed February 1, 1979. Applicant: BROES TRUCKING CO., INC., Interstate Hwy 295 & Dominick Lane, Paulsboro, NJ 08066. Representative: Ira G. Megdal, 499 Cooper Landing Road, Cherry Hill, NJ 08002. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, (1) from the facilities of DeReeve and Company, at Philadelphia, PA, to Parkersburg, Lancaster, Lebanon, Williamsport, Chambersburg, Windber, Johnstown, Moosic, Sinking Springs, Hazelton, Darby, Scranton, Philipsburg, Pottsville, Devault, York, Norristown, Perkasie, Bridgeport, Wilkes-Barre, Boyertown, Bally, Carlisle, Milton, and St. Clair, PA, Cumberland, Bladensburg, Baltimore, and Linthicum Heights, MD, Yalesville and South Windsor, CT, Menands, Newburgh, Warnerville, Liverpool, Binghamton, New Windsor, South Fallsburg, and New York, NY, and (2) from New York, NY, to the facilities of DeReeve and Company, at Philadelphia, PA. (Hearing site: Philadelphia, PA, or Camden, NJ.)

MC 82492 (Sub-226F), filed February 5, 1979. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Dewey R. Marselle (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *zinc, zinc oxide, zinc dust, and cadmium*, from the facilities of St. Joe Zinc Company, at Josephstown, PA, to points in IA, IL, IN, KS, MI, MN, MO, NE, and WI. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 106603 (Sub-195F), filed February 5, 1979. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street, SW, P.O. Box 8099, Grand Rapids, MI 49508. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *clay and clay products*, from the facilities of the Oil Dri Corporation of America, at or near Prairie View, IL, to points in IN, KS, KY, MN, MO, NE, OH, PA, and WI. (Hearing site: Washington, DC, or Chicago, IL.)

MC 106603 (Sub-196F), filed February 5, 1979. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street, SW, P.O. Box 8099, Grand Rapids, MI 49508. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville,

MI 48167. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building materials*, from Hammond, IN, to points in IA and WI. (Hearing site: Washington, DC, or Chicago, IL.)

MC 107403 (Sub-1166F), filed February 1, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid chemicals*, in bulk, in tank vehicles, from Pearl River, LA, to points in the United States (except AL, AK, AR, FL, GA, HI, MS, TX, and those points in TN on and east of a line beginning at the KY-TN State line, and extending along U.S. Hwy 25-E to junction U.S. Hwy 25, then along U.S. Hwy 25 to the TN-NC State line). (Hearing site: Washington, DC.)

MC 107403 (Sub-1167F), filed February 6, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum products*, in bulk, in tank vehicles, from Paulsboro, NJ, to points in NC, SC, and WV. (Hearing site: Washington, DC.)

MC 109533 (Sub-108F), filed January 10, 1979. Applicant: OVERNITE TRANSPORTATION COMPANY, a corporation, 1000 Semmes Avenue, Richmond, VA 23224. Representative: Eugene T. Liipfert, Suite 1000, 1660 L Street, NW, Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between St. Louis, MO, and Indianapolis, IN, over U.S. Hwy 40, serving all intermediate points, (2) between Indianapolis, IN, and Hagerstown, MD, over Interstate Hwy 70, serving the intermediate points of Washington, PA, Columbus and Springfield, OH, and for the off-route points of Dayton, OH, and Richmond, IN, (3) between Louisville, KY, and Chicago, IL: from Louisville over Interstate Hwy 65 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Chicago and return over the same route, serving all intermediate points between

Louisville, KY, and Indianapolis, IN, (4) between Evansville and Terre Haute, IN, over U.S. Hwy 41, serving all intermediate points, and (5) between Mt. Vernon and Effingham, IL: from Mt. Vernon over Interstate Hwy 57 to junction IL Hwy 33, then over IL Hwy 33 to Effingham, and return over the same route, serving all intermediate points. (Hearing site: Columbus or Cincinnati, OH.)

MC 110563 (Sub-261F), filed February 5, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of John Morrell & Co., at or near East St. Louis, IL, to points in AL, FL, GA, IN, NC, OH, and SC, restricted to the transportation of traffic originating at the named origin. (Hearing site: St. Louis, MO.)

MC 110683 (Sub-135F), filed January 11, 1979. Applicant: SMITH'S TRANSFER CORPORATION, Box 1000, Staunton, VA 24401. Representative: Francis W. McInerney, 1000 16th Street, NW, Suite 502, Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Cincinnati, OH, and Mitchell, TN: from Cincinnati over U.S. Hwy 42 to junction U.S. Hwy 31W, then over U.S. Hwy 31W to Mitchell, and return over the same route, serving points in Gallatin, Carroll, Henry, Trimble, Oldham, Shelby, Jefferson, Bullitt, Meade, Spencer, Hardin, Larue, Nelson, Breckenridge, Grayson, Hart, Green, Edmonson, Barren, Metcalfe, Monroe, Allen, Warren, Butler, Logan, and Simpson Counties, KY, as off-route points, (2) between Lexington and Wickliffe, KY, over U.S. Hwy 60, serving points in Fayette, Scott, Jessamine, Woodford, Franklin, Anderson, Shelby, Spencer, Oldham, Jefferson, Bullitt, Hardin, Meade, Breckenridge, Hancock, Ohio, Daviess, McLean, Henderson,

Grayson, Webster, Union, Crittenden, Livingston, Lyon, Marshall, Hopkins, Caldwell, McCracken, Graves, Ballard, and Carlisle Counties, KY, as off-route points, (3) between Versailles and Paducah, KY, over U.S. Hwy 62, serving all points in Woodford, Anderson, Mercer, Spencer, Washington, Nelson, Bullitt, Larue, Hardin, Meade, Hart, Edmonson, Grayson, Butler, Ohio, McLean, Daviess, Muhlenberg, Hopkins, Todd, Christian, Caldwell, Trigg, Lyon, Livingston, Marshall, Calloway, Graves, and McCracken Counties, KY, as off-route points, (4) between Lexington and Columbus, KY: from Lexington over U.S. Hwy 68 to junction KY Hwy 80, then over KY Hwy 80 to Columbus, and return over the same route, serving points in Fayette, Jessamine, Woodford, Garrard, Mercer, Anderson, Washington, Larue, Marion, Taylor, Casey, Green, Adair, Russell, Hart, Metcalfe, Cumberland, Monroe, Barren, Edmonson, Allen, Warren, Butler, Simpson, Logan, Muhlenberg, Todd, Christian, Hopkins, Trigg, Caldwell, Lyon, Marshall, Calloway, McCracken, Graves, Ballard, Carlisle, Hickman, and Fulton Counties, KY, as off-route points, (5) between Russellville and Williamsburg, KY: from Russellville over KY Hwy 100 to junction KY Hwy 90, then over KY Hwy 90 to junction KY Hwy 92, then over KY Hwy 92 to Williamsburg and return over the same route, serving points in Logan, Butler, Warren, Simpson, Edmonson, Barren, Allen, Metcalfe, Monroe, Adair, Cumberland, Russell, Clinton, Wayne, Pulaski, McCreary, Laurel, and Whitley Counties, KY, as off-route points, (6) between Edmonton and London, KY, over KY Hwy 80, serving points in Metcalfe, Green, Monroe, Adair, Taylor, Cumberland, Casey, Russell, Clinton, Lincoln, Pulaski, Wayne, McCreary, Laurel, Rockcastle, and Whitley Counties, KY, as off-route points, (7) between Elizabethtown and Static, KY: from Elizabethtown over KY Hwy 61 to junction KY Hwy 210, then over KY Hwy 210 to junction KY Hwy 55, then over KY Hwy 55 to junction U.S. Hwy 127, then over U.S. Hwy 127 to Static, KY, and return over the same route, serving points in Hardin, Nelson, Larue, Hart, Marion, Washington, Green, Metcalfe, Adair, Casey, Russell, Cumberland, Clinton, Pulaski, and McCreary Counties, KY, as off-route points, (8) between Paducah and Fulton, KY, over U.S. Hwy 45, serving points in McCracken, Ballard, Livingston, Marshall, Calloway, Graves, Carlisle, Hickman, and Fulton Counties, KY, as off-route points, (9) between Henderson and Oak Grove, KY: from Henderson

over U.S. Hwy 41 to 41-Alt, then over U.S. Hwy 41 Alt to Oak Grove, and return over the same route, serving points in Henderson, Union, Daviess, Webster, McLean, Caldwell, Hopkins, Muhlenberg, Trigg, Christian, and Todd Counties, KY, as off-route points, (10) between Owensboro and Adolphus, KY, over U.S. Hwy 23, serving points in Henderson, Daviess, Hancock, McLean, Ohio, Grayson, Muhlenberg, Butler, Edmonson, Logan, Warren, Simpson, Allen, Barren, and Monroe Counties, KY, as off-route points, and serving in connection with (1) through (10) above all intermediate points. (Hearing site: Washington, D.C.)

Note.—The purpose of this application is to restructure applicant's operating authority in Kentucky through conversion of irregular route authority to regular route authority and to eliminate the gateway of Cincinnati, OH.

MC 113362 (Sub-346F), filed February 2, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, 1105½ Eighth Avenue, N.E., P.O. Box 429, Austin, MN 55912. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes transporting (1)(a) *foodstuffs*, (except in bulk), and (b) *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except those commodities described in (a) above, hides, and commodities in bulk), from Austin and Owatonna, MN, and Ft. Dodge, IA, to points in AL, AR, LA, MS, OK, and TX, and (2) *foodstuffs and equipment, materials and supplies* used in the manufacturing and distribution of packinghouse products, (except commodities in bulk), in the reverse direction. (Hearing site: Minneapolis, MN, or Washington, DC.)

MC 114273 (Sub-524F), filed January 11, 1979. Applicant: CRST, INC., 3930—16 Avenue, S.W., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, and (2) *agricultural implement parts*, other than hand, from the facilities of Colt Industries, Crucible, Inc., at Midland, PA, to Rock Island, IL, and points in IA, MN, and NE. (Hearing site: Chicago, IL or Washington, DC.)

MC 114273 (Sub-537F), filed January 31, 1979. Applicant: CRST, INC., 3930—

16 Avenue, S.W., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, from Beaver Falls and Ambridge, PA, and Alliance, OH, to Rock Island, IL, and points in IA, MN, NE, and SD. (Hearing site: Chicago, IL or Washington, DC.)

MC 114273 (Sub-540F), filed February 6, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *belting, shafting pulleys on sheaves, bearings, bushings, shaft collars, pillow blocks, presses, hand tools, roller chains, and conveyor idlers and rolls*, from Muscatine, IA, to points in DE, MD, MA, NJ, NY, OH, PA, VA, and WV. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-541F), filed February 6, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *resins, glass parts, brass fittings, foaming agents, corrosive water conditioners and commodities* used in the manufacture of foam insulation, from Florence, KY, to St. Paul, MN. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-542F), filed February 7, 1979. Applicant: CRST, Inc., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *glass containers and accessories* for containers, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles), from the facilities of Brockway Glass Co., Inc., in (a) Washington County, PA, (b) Muskingum County, OH, and (c) Madison County, IN, to Jefferson City, MO. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-545TA), filed February 7, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, (same address as applicant). To operate as a *common carrier* by motor vehicle, in

interstate or foreign commerce, over irregular routes, transporting *scrap iron and scrap steel*, between Davenport, IA, on the one hand, and, on the other, Waukesha and Ft. Atkinson, WI. (Hearing site: Chicago, IL, or Washington, DC.)

MC 115093 (Sub-17TA), filed February 7, 1979. Applicant: MERCURY MOTOR EXPRESS, INC., 2511 North Grady Avenue, Tampa, FL 33607. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, NW, Washington, DC 20001. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in AL, on the one hand, and, on the other, points in CT, DE, FL, GA, MD, MA, NC, NJ, NY, PA, RI, SC, VA, WV, and DC. (Hearing site: Atlanta, GA, Birmingham, AL, Tampa, FL, and Washington, DC.)

MC 115162 (Sub-448TA), filed January 22, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cast iron products and materials and supplies* used in the manufacture and distribution of cast iron products (except commodities in bulk), between Lynchburg, VA, on the one hand, and, on the other points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Washington, DC.)

MC 115322 (Sub-162F), filed February 7, 1979. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, FL 32809. Representative: L. W. Fincher, P.O. Box 426, Tampa, FL 33601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, (1) from points in Cobb, Fulton, DeKalb, and Clayton Counties, GA, to points in AL, AR, FL, IL, IN, KY, LA, MD, MS, MO, NC, OH, SC, TN, TX, VA, WV, and DC, and (2) from Baltimore, MD, and points in Prince Georges, Anne Arundel, Howard, and Baltimore Counties, MD, to points in AL, AR, CT, DE, FL, GA, IL, IN, KY, ME, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VA, VT, WV, WI, and DC. (Hearing site: Washington, DC.)

MC 116763 (Sub-461F), filed December 5, 1978, and previously published in the Federal Register on February 8, 1979.

Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by manufacturers, distributors, and converters of paper and paper products, (except commodities in bulk), from the facilities of The Mead Corporation, at Chillicothe and Schooleys, OH, and Kingsport and Gray, TN, to points in FL, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Columbus, OH.)

Note.—The purpose of this republication is to add "distributors" to the commodity description and to restrictively amend the application.

MC 116763 (Sub-472F), filed February 5, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except frozen and commodities in bulk, in tank vehicles), from the facilities of Shenandoah Apple Co-operative, Inc., at or near Winchester, VA, to points in FL, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Richmond, VA.)

MC 116763 (Sub-474F), filed February 9, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by wholesalers, retailers, manufacturers, and distributors of rubber products and plastic product (except commodities in bulk, in tank vehicles), from those points in the United States in and east of MN, IA, MO, OK, and TX (except WI), to points in WI, restricted to the transportation of traffic destined to the indicated destinations. (Hearing site: Milwaukee, WI.)

MC 117303 (Sub-16F), filed September 26, 1978, and previously published in the Federal Register on November 24, 1978. Applicant: HUDSON VALLEY CEMENT LINES, INC., Route 23B, Claverack, NJ 12513. Representative: Martin Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. To operate as a

common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aggregates*, in bulk, in dump vehicles, from Mount Marion and Ulster, NY, to points in ME, DE, MD, PA (except those points east of the Susquehanna River), and NJ (except those points in and north of Ocean, Monmouth, and Mercer Counties). (Hearing site: New York, NY.)

Note.—The purpose of this republication is to correct the vehicle restriction.

MC 117883 (Sub-238F), filed January 31, 1979. Applicant: SUBLER TRANSFER, INC., One Vista Drive, Versailles, OH 45380. Representative: Neil E. Hannan, P.O. Box 62, Versailles, OH 45380. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), from the facilities of Southland Frozen Foods, Inc., at or near Barker, NY, to points in IL, IN, MD, MI, NJ, OH, PA, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Buffalo, NY, or Washington, DC.)

MC 118202 (Sub-105F), filed February 6, 1979. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Illini Beef Packers, at or near Joslin, IL, to points in AL, FL, GA, MS, NC, SC, and TN. (Hearing site: Chicago, IL.)

MC 119493 (Sub-262F), filed February 5, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *insulating materials, and materials and supplies* used in the manufacture, distribution, and installation of insulating materials, (except commodities in bulk), between Joplin, MO, on the one hand, and, on the other, points in AR, IA, IL, KS, KY, MN, MS, NE, ND, OK, SD, and TN. (Hearing site: Kansas City or Joplin, MO.)

MC 125433 (Sub-207F), filed February 5, 1979. Applicant: F-B TRUCK LINE COMPANY, a Corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *mobile power units*, in truckaway service and (2) *machinery* between points in San Joaquin County, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: San Francisco, CA.)

MC 125433 (Sub-208F), filed February 6, 1979. Applicant: F-B TRUCK LINE COMPANY, a Corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *woodburning stoves*, from points in Coconino and Maricopa Counties, AZ, to points in the United States (except AK and HI). (Hearing site: Phoenix, AZ.)

MC 125533 (Sub-34F), filed February 5, 1979. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Akron, OH 44312. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *clay and shale products and fitting compounds*, and (2) *materials and supplies* used in the installation of the commodities in (1) above, from the facilities of Pomona Corporation, at Gulf and Greensboro, NC, to points in KY, SC, TN, and VA, restricted in (1) and (2) above against the transportation of commodities in bulk. (Hearing site: Columbus, OH.)

Note.—Dual operations may be involved.

MC 125533 (Sub-37F), filed February 1, 1979. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Akron, OH 44312. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *refractory products*, and (2) *materials and supplies* used in the manufacture and installation of the commodities named in (1) above, between Farber, MO, on the one hand, and, on the other, points in CT, DE, MD, MA, MI, NJ, NY, NC, OH, PA, RI, SC, TN, VA, and WV. (Hearing site: Columbus, OH.)

MC 128273 (Sub-337F), filed February 6, 1979. Applicant: MIDWESTERN

DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers and distributors of sporting goods and recreational equipment, from points in the United States (except AK, HI, and WI), to the facilities of Frabill Manufacturing Company, Division of Huffy Corporation, at or near Milwaukee, WI, restricted to the transportation of traffic destined to the indicated destination. (Hearing site: Milwaukee, WI, or Washington, DC.)

MC 128313 (Sub-10F), filed February 6, 1979. Applicant: TEMPO TRUCKING, INC., R.F.D. #5, Washington Court House, OH 43160. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *meats, meat products and meat byproducts*, as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk), (a) from the facilities of Sugar Creek Packing Co., Inc., at or near Washington Court House and Dayton, OH, and Bloomington, IL, to points in AZ, ID, ME, MT, NV, NH, ND, SD, VT, and WY, (b) from points in AR, CO, MN, NE, NC, ND, OK, SC, SD, TN, and WI, to the facilities of Sugar Creek Packing Co., Inc., at or near Washington Court House and Dayton, OH, and Bloomington, IL, and (c) from the facilities of Sugar Creek Packing Co., Inc., at or near Washington Court House and Dayton, OH, to Detroit, MI, Kansas City and St. Joseph, MO, Norfolk, Smithfield, and Richmond, VA, and points in IA; and (2) *porkskins*, from the facilities of Sugar Creek Packing Co., Inc., at or near Washington Court House and Dayton, OH, and Bloomington, IL, to points in AZ, ID, ME, MT, NV, NH, ND, SD, VT, and WY, under continuing contract(s) in (1) and (2) above with Sugar Creek Packing Co., Inc., of Washington Court House, OH. (Hearing site: Columbus, OH.)

MC 133562 (Sub-35F), filed February 2, 1979. Applicant: HOLIDAY EXPRESS CORPORATION, P.O. Box 115, Estherville, IA 51334. Representative: Edward A. O'Donnell, 1004-29th Street, Sioux City, IA 51104. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts*,

and articles distributed by meat-packing houses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles), from the facilities of Huron Dressed Beef, Inc., at Huron, SD, to points in AZ and CA, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations, except traffic moving in foreign commerce. (Hearing site: Minneapolis, MN, or Omaha, NE.)

MC 139193 (Sub-95F), filed February 5, 1979. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Blue Ridge Tower, Suite 820, Kansas City, MO 64123. Representative: Terrence D. Jones, 2033 K Street, NW, Washington, DC 20006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *meats, meat products, and meat byproducts, dairy products, and articles distributed by meat-packing houses*, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and liquid commodities in bulk), from the facilities of John Morrell & Co., at Sioux Falls, SD, to those points in CA in and north of Monterey, Kings, Tulare, and Inyo Counties; and (2) *such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers*, as described in section D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and liquid commodities in bulk), in the reverse direction, under continuing contracts in (1) and (2) above with John Morrell & Co., of Chicago, IL. (Hearing site: Washington, DC.)

MC 142283 (Sub-4F), filed January 30, 1979. Applicant: VOORHORST, INC., 2099 East Packard Highway, Charlotte, MI 48813. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *animal and poultry feed, animal and poultry health products, and pesticides*, (a) between the facilities of Ralston Purina Company, at or near Richmond, Lafayette and Milford, IN, on the one hand, and, on the other, points in Eaton County, MI, (b) from the facilities of Ralston Purina Company, at or near Richmond and Lafayette, IN, to points in Kalamazoo and Van Buren Counties, MI, and (c) from the facilities of Ralston

Purina Company at or near Milford, IN, to points in the Lower Peninsula of MI, (except points in Berrien, Cass, St. Joseph, Branch, Van Buren, and Kalamazoo Counties, MI). (Hearing site: Lansing, MI.)

MC 142283 (Sub-5F), filed February 5, 1979. Applicant: VOORHORST, INC., 2099 East Packard Hwy, Charlotte, MI 48813. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *soybean meal*, from the facilities of Bunge Corporation, at or near Logansport, IN, to points in the Lower Peninsula of MI. (Hearing site: Lansing, MI.)

MC 142723 (Sub-4F), filed February 8, 1979. Applicant: BRISTOL CONSOLIDATORS, INC., 108 Riding Trail Lane, Pittsburgh, PA 15215. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by retail variety stores, departments stores, and drug stores, (except commodities in bulk), between points in AL, AR, CT, FL, GA, IL, IN, KY, LA, MD, MI, MN, MS, NJ, NY, NC, OH, PA, SC, TN, TX, VA, WV, WI, and DC, under continuing contract(s) with G. C. Murphy Company, of McKeesport, PA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 142743 (Sub-9F), filed February 5, 1979. Applicant: FAST FREIGHT SYSTEMS, INC., P. O. Box 132C, Tupelo, MS 38801. Representative: Martin J. Leavitt, 22375 Haggerty Road, P. O. Box 400, Northville, MI 48167. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *clay and clay products*, from the facilities of the Oil Dri Corporation of America, at or near Ochlocknee, GA, to points in AR, IL, IN, IA, KS, LA, MI, MN, MO, OH, PA, TX, and WI. (Hearing site: Washington, DC, or Atlanta, GA.)

MC 142953 (Sub-2F), filed February 1, 1979. Applicant: C. A. CARTER, INC., 239 Broadturn Road, West Scarborough, ME 04074. Representative: Carl A. Carter (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *scrap metals*, from points in NH to Everett, MA. (Hearing site: Portland, ME.)

MC 143593 (Sub-1F), filed January 31, 1979. Applicant: ROTA-CONE OILFIELD

OPERATING CO., a corporation, 434 Palmer Drive, Muskogee, OK 74401. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products*, and (2) *materials, supplies and equipment*, used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), from the facilities of Container Corporation of America, at Muskogee, OK, to points in AR, KS, and MO, under a continuing contract with Container Corporation of America, of Fort Worth, TX. (Hearing site: Oklahoma City, OK.)

MC 144563 (Sub-2F), filed February 5, 1979. Applicant: D/K TRUCKING, a partnership, 3N728 Randall Road, St. Charles, IL 60174. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such merchandise* as is dealt in by fabric stores, between Florence, KY, and Chicago, IL. (Hearing site: Chicago, IL.)

MC 144963 (Sub-1F), filed January 30, 1979. Applicant: W. E. BATTLES, d/b/a JOBBERS FREIGHT SERVICE, 111 North College Street, Grangeville, ID 83530. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in by automobile, truck, and tractor supply houses, and (2) *compressed gases*, in containers, and *welding supplies*, from Spokane, WA, to Lewiston, Moscow, Grangeville, Orofino, and Kamiah, ID, and Clarkston, WA. (Hearing site: Lewiston, ID.)

MC 145933 (Sub-1F), filed February 2, 1979. Applicant: ADOLF DURON d/b/a A. D. TRUCKING CONTRACTOR, 8237 McElroy Ave., El Paso, TX 79907. Representative: Delmar A. Kirby, 3044 Fillmore Avenue, El Paso, TX 79930. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *manganese ore*, (1) from Deming, NM, to the facilities of American Minerals, Inc., at El Paso, TX, and (2) from the facilities of Anaconda Co. (New Mexico Operation), at Bluewater, NM, under a continuing contract with American Minerals, Inc., of El Paso, TX. (Hearing site: El Paso, TX.)

MC 145973 (Sub-2F), filed February 6, 1979. Applicant: B & B EXPRESS, INC., P.O. Box 5552, Station B, Greenville, SC 29606. Representative: Henry E. Seaton, 929 Pennsylvania Bldg, 425 13th Street, NW, Washington, DC 20004. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are used in the manufacture of new furniture, (1) between Monroe, MI, Redlands, CA, Tremonton, UT, and Florence, SC, and (2) from points in CA to Tremonton, UT, under continuing contract(s) in (1) and (2) above with La-Z-Boy Chair Company, of Monroe, MI. (Hearing site: Detroit, MI.)

Note: Dual operations may be involved.

MC 146243F, filed January 25, 1979. Applicant: CRANE SERVICE CO., INC., 1415 Kenilworth Avenue, NE., Washington, DC 20019. Representative: Paul M. Donovan, 743 Investment Bldg, Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *construction equipment and construction materials*, between Fairfax and Norfolk, VA, points in MD, DE, and DC, and those in Greene, Washington, Allegheny, Fayette, Westmoreland, Armstrong, Jefferson, Indiana, Elk, Cameron, Clearfield, Clinton, Centre, Cambria, Somerset, Blair, Lycoming, Union, Sullivan, Huntingdon, Bedford, Fulton, Franklin, Cumberland, Adams, York, Perry, Juniata, Mifflin, Snyder, Wyoming, Lackawanna, Luzerne, Northumberland, Montour, Columbia, Lancaster, Lebanon, Dauphin, Berks, Schuylkill, Lehigh, Carbon, Monroe, Northampton, Bucks, Montgomery, Delaware, Chester, and Philadelphia Counties, PA, those in Monongalia, Preston, Marion, Harrison, Taylor, Barbour, Lewis, Webster, Upshur, Randolph, Tucker, Grant, Hardy, Hampshire, Mineral, Morgan, Berkeley, Jefferson, Pendleton, Pocahontas, and Greenbrier Counties, WV, and those in Alleghany, Bath, Highland, Augusta, Rockingham, Shenandoah, Frederick, Warren, Clarke, Loudoun, Fairfax, Prince William, Stafford, King George, Westmoreland, Northumberland, Richmond, Lancaster, Middlesex, King and Queen, Essex, Caroline, Spotsylvania, Fauquier, Rappahannock, Page, Madison, Culpeper, Orange, Louisa, Greene, Albemarle, Hanover, King William, New Kent, Gloucester, Mathews, York, Northampton, Accomack, James City, Surry, Charles City, Prince George, Sussex, Southampton, Isle of Wight,

Greensville, Brunswick, Dinwiddie, Chesterfield, Henrico, Amelia, Nottoway, Lunenburg, Powhatan, Goochland, Fluvanna, Buckingham, Nelson, Amherst, Halifax, Mecklenburg, Charlotte, Prince Edward, Cumberland, Appomattox, Campbell, Bedford, Botetourt, Rockbridge, and Roanoke Counties, VA, under continuing contract(s) with The George Hyman Construction Co., of Bethesda, MD, Schnabel Foundation Co., of Bethesda, MD, and Tecfab of Maryland, Inc., of Beltsville, MD. (Hearing site: Washington, DC.)

MC 146293 (Sub-2F), filed February 5, 1979. Applicant: REGAL TRUCKING CO., INC., 95 Lawrenceville Industrial Park Circle NE, Lawrenceville; GA 30245. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *household appliances, electric equipment, and electronic equipment*, and (2) *parts and accessories* for the commodities in (1) above, (except commodities in bulk), (a) from points in Los Angeles County, CA, and points in NJ to Princeton, KY, and (b) from Princeton, KY, those points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Arvin International, Inc., or Arvin Industries, Inc. (Hearing site: Atlanta, Ga.)

MC 146293 (Sub-3F), filed February 5, 1979. Applicant: REGAL TRUCKING CO., INC., 95 Lawrenceville Industrial Park Circle, NE, Lawrenceville, GA 30245. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic articles and materials*, (except commodities in bulk), and (2) *equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between the facilities of Mobil Chemical Company, Plastics Division, in GA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Mobil Chemical Company, Plastics Division. (Hearing site: Atlanta, GA.)

MC 146293 (Sub-4F), filed February 5, 1979. Applicant: REGAL TRUCKING CO., INC., 95 Lawrenceville Industrial Park Circle, NE, Lawrenceville, GA 30245. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta,

GA 30349. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities*, as are dealt in by hardware stores and department stores (except commodities in bulk), and (2) *parts and accessories* for the commodities in (1) above (except commodities in bulk), from points in Los Angeles and Orange Counties, CA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic having a prior movement by air or water. (Hearing site: Atlanta, GA.)

MC 146293 (Sub-5F), filed February 5, 1979. Applicant: REGAL TRUCKING CO., INC., 95-Lawrenceville Industrial Park Circle, NE, Lawrenceville, GA 30245. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *electronic instruments and components, tables and stands for electronic instruments and components, toys, and games*, from Jefferson City and Greeneville, TN, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at the facilities of Magnavox Consumer Electronics Co.; and (2) *materials, accessories, and supplies* used in the manufacture, installation, and distribution of the commodities in (1) above, (except commodities in bulk), in the reverse direction, restricted to the transportation of traffic destined to the facilities of Magnavox Consumer Electronics Co. (Hearing site: Atlanta, GA.)

MC 146343F, filed February 1, 1979. Applicant: SOUTHERN EXPRESS CORPORATION, 308 South Ocean Boulevard, Pompano, FL 33062. Representative: Bernard A. Jackvony, Esquire, 4901 North Federal Highway, Suite 480, Fort Lauderdale, FL 33308. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *garden hose, plastic pellets, plasticizers, chemicals and scrap plastic for recycling* (except commodities in bulk), from Brownsville, TN, to points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MA, MI, MN, MS, MO, MT, NE, NM, NV, NC, ND, OH, OK, OR, RI, SD, SC, TX, UT, WA, WI, and WY, and (2) *materials, equipment and supplies* (except commodities in bulk), used in the manufacture and distribution of the commodities in (1) above, in the reverse direction, under a continuing contract

with Teknor Apex Company, of Pawtucket, RI. (Hearing site: Miami, FL.)

MC 146472F, filed February 5, 1979. Applicant: LEHMAN TRANSPORT, INC., P.O. Box 80009, St. Paul, MN 55108. Representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum and petroleum products* (except gasoline and liquefied petroleum gas), from Minneapolis, MN, to points in ND, SD, IA, and WI. (Hearing site: Minneapolis or St. Paul, MN.)

Passenger Authority

MC 144833 (Sub-1F), filed February 7, 1979. Applicant: SOUTH RIVER BUS COMPANY, a corporation, 148 Whitehead Avenue, South River, NJ 08882. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NY 08904. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter round-trip operations, beginning and ending at Lakewood, NJ, and extending to New York, NY, and Philadelphia, PA, under continuing contract(s) with Capitol Hotel, of Lakewood, NJ. (Hearing site: Newark, NJ.)

[Decisions Vol. No. 42]

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BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

April 6, 1979.

The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3 These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will

provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—all applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 2202 (Sub-584TA), filed March 2, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Common carrier-regular routes, *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Elizabeth, GA, and Cleveland, TN, serving all intermediate points between Elizabeth, GA, and Ducktown, TN, and their commercial zones, Whitestone and Marble Hill, GA, and their respective commercial zones as off-route points: from Elizabeth over GA Hwy 5 to the GA-TN state line, then over TN Hwy 68 to Ducktown, TN, then over U.S. Hwy 84 to Cleveland, and return over the same route; (2) between Ellijay, GA, and Chatsworth, GA, serving no intermediate points: from Ellijay over U.S. Hwy 76 to Chatsworth, and return over the same route; and (3) between Jasper, GA, and Fairmount, GA, serving no intermediate points: from Jasper over GA Hwy 53 to Fairmount, and return over the same route, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack with MC-2202 and subs thereto and to interline. Supporting shipper(s): There are 12 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Office Building, Cleveland, OH 44199.

MC 16513 (Sub-12TA), filed March 14, 1979. Applicant: REISCH TRUCKING & TRANSPORTATION CO., INC., 819 Union Avenue, Pennsauken, NJ 08110. Representative: Jeffrey A. Vogelmann, Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312. *Plastic articles*, from the facilities of Plastic Packaging Corporation at West Springfield, MA, to New York, NY and points in Nassau, Suffolk, and Westchester Counties, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Plastic Packaging Corporation, 1227 Union Street, West Springfield, MA 01089. Send protests to: District Supervisor, ICC, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 25562 (Sub-33TA), filed March 12, 1979. Applicant: A. R. GUNDRY, INC., 85 Stanton St., Rochester, NY 14611. Representative: Jack A. Gollan, 445 Earlwood Ave., Oregon, OH 43616, Phone: 419/698-1671. *Petroleum products, in bulk, in tank vehicles*, from Albany and Rensselaer Counties, NY to points in MA, CT and VT. ETA has not been filed. Permanent filed 1/17/79 and pending. Supporting shipper(s): Cibro Petroleum Products, Inc., Mr. John J. Klopstock, Reg. Mgr., Port of Albany, Albany, NY 12202. Send protests to: Interstate Commerce Commission, U.S. Courthouse and Federal Bldg., 100 S. Clinton St., Rm. 1259, Syracuse, NY 13260.

MC 47583 (Sub-88TA), filed March 13, 1979. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hulst, P.O. Box 225, Lawrence, KS 66044. *Petroleum lubricating oils and grease (except commodities in bulk)* from the facilities of Pennzoil Co., at or near Maryland Heights, MO, to points in AR, CO, KS, LA, MS, NE, NM, OK, TN, TX, and WY. Restricted to traffic originating at the named origin point and destined to the named destination states. An underlying ETA—R-33 seeks 90 day operating authority, for 180 days. Supporting shipper(s): Pennzoil Co., P.O. Box 808, Oil City, PA 16301. Send protests to: Vernon V. Coble, D.S., Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Missouri 64106.

MC 47583 (Sub-89TA), filed March 14, 1979. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hulst, P.O. Box 225, Lawrence, KS 66044. *Containers and covers and materials, equipment and supplies used in the manufacture*

and distribution of containers and covers (except commodities in bulk) between the facilities of Sealright Co., Inc., located at or near Kansas City, KS, on the one hand, and on the other, points and places in the states of AL, AR, CO, IL, IN, IA, KY, LA, MN, NO, MS, NE, ND, NM, OK, SD, TN, TX, and WI. An underlying ETA seeks 90-day operating authority, for 180 days. Supporting shipper(s): Sealright Co., Inc., 2925 Fairfax Road, Kansas City, Kansas 66115. Send protests to: Vernon V. Coble, D.S., Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Missouri 64106.

MC 61403 (Sub-261TA), filed March 15, 1979. Applicant: THE MASON AND DIXON TANK LINES, INC., Highway 11-W, P.O. Box 969, Kingsport, TN 37662. Representative: James P. Ray (same address as applicant). *Liquid chemicals, in bulk, in tank vehicles*, from plantsites of Union Carbide Corp. near Charleston, WV to points in IL, IN, KY, MI, NJ, NY, NC, OH, PA, TN, VA, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Carbide Corporation, 270 Park Ave., New York, NY 10017. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 63582 (Sub-60TA), filed March 14, 1979. Applicant: BN TRANSPORT INC., 6775 East Evans Avenue, P.O. Box 22694, Wellshire Station, Denver, CO 80224. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50309. *Lumber and wood products*, from Booner and Missoula, MT to points in IA, KS, MI, MN, IL, MO, ND, SD, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Champion International Corporation, Knightsbridge Dr., Hamilton, OH 45020, and Louisiana-Pacific Corporation, 1300 S.W. 5th Ave., Portland, OR 97201. Send protests to: District Supervisor Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 71593 (Sub-21TA), filed March 12, 1979. Applicant: FORWARDERS TRANSPORT, INC., 1608 East 2nd Street, Scotch Plains, NJ 07076. Representative: Peter Wolff, P.O. Box 116, Scranton, PA 18504. General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment). (a) Between New Haven, CT; Chicago, IL; Baltimore, MD; Boston and Springfield, MA; Newark, NJ; New York, NY; and

Philadelphia, PA, on the one hand, and, on the other, Minneapolis and St. Paul, MN and Kansas City, MO. (b) Between Kansas City, MO, on the one hand, and, on the other, St. Louis, MO. Restricted to the transportation of shipments moving on Freight Forwarder bills of lading, for 180 days. Supporting shipper(s): ABC Trans National Transport, Inc., 201 11th Avenue, New York, NY 10001; Springmeier Shipping Co., Inc., 1123 Hadley Street, St. Louis, MO 63101; New England Forwarding Company, Inc., 55 Van Keuren, Jersey City, NJ 07306. Send protests to: Robert E. Johnston, D/S, ICC, 9 Clinton Street, Room 618, Newark, NJ 07102.

MC 82063 (Sub-101TA), filed March 9, 1979. Applicant: KLIPSCH HAULING CO., 10795 Watson Rd., Sunset Hills, MO 63127. Representative: E. Stephen Heisley, 666 11th St., N.W., Washington, D.C. 20001. *Liquid Chemicals*, in bulk, in tank vehicles, from Chicago, IL and its commercial zone to points in AR, KS, LA, MO, MS, OK, TX and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 11 shippers. Their statements may be examined at the office listed below and Headquarters. Interstate Commerce Commission, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101. Send protests to: P. E. Binder, OC, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 87103 (Sub-33TA), filed March 1, 1979. Applicant: MILLER TRANSFER AND RIGGING CO., P.O. Box 6077, Akron, OH 44312. Representative: Edward P. Bocko (same address as applicant). *Tractors (except truck tractors)* from the plant site of Ford Motor Company at Romeo, MI, to points in CT, DE, KY, MA, MD, MS, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC. Restriction: The operations authorized herein are restricted to the transportation of traffic (a) originating at the above name origin points, and (b) destined to points in the named destination states, except that restriction (b) above shall not apply to traffic moving in foreign commerce, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ford Motor Co., Ford Tractor Operations, 2500 East Maple Road, Troy, MI 48064. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Office Building, Cleveland, OH 44199.

MC 105902 (Sub-23TA), filed March 8, 1979. Applicant: PENN YAN EXPRESS, INC., 100 West Lake Road, P.O. Box 396, Penn Yan, NY 14527. Representative: Jeffrey A. Vogelmann, Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312, Phone: (703) 750-1112.

General Commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Chicago, IL. (Restricted to the transportation of shipments having an immediately prior or an immediately subsequent movement by rail) for 180 days. Underlying ETA for 30+2 has been filed. Supporting shipper(s): There are eight (8) shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Interstate Commerce Commission, U.S. Courthouse & Federal Bldg., 100 South Clinton St. Rm. 1259, Syracuse, N.Y. 13260.

MC 107403 Sub-1174TA, filed February 27, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). *Liquid chemicals, in bulk, in tank vehicles, from Charleston, WV to points in the States of AL, AR, AZ, CO, CT, DE, FL, GA, KY, KS, LA, MD, MS, NC, NJ, NY, OH, OR, PA, RI, SC, TN, TX and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Carbide Corp., 270 Park Ave., New York, NY 10017. Send protests to: T. M. Esposito, Trans. Asst., 600 Arch St., Room 3238, Phila., PA 19106.*

MC 107403 (Sub-1175TA), filed March 2, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). *Dicalcium phosphate, in bulk, in tank vehicles, from Peabody, MA to Rockford, IL & Marion, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Dixon Brothers, Inc., P.O. Box Q, 16 Arcadia Rd., Old Greenwich, CT. 06870. Send protests to: T. M. Esposito, Trans. Asst., 600 Arch St., Room 3238, Phila., PA 19106.*

MC 107403 (Sub-1176TA), filed March 5, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *COAL, IN BULK, in dump trailers, from Moundsville, WV to Baytown, TX, for 180 days. Supporting Shipper(s): Exxon Co., USA, P.O.B. 2180, Houston, TX 77001. Send protests to: T. M. Esposito, Trans. Asst., 600 Arch St., Room 3238, Phila., PA 19106.*

MC 107403 (Sub-1177TA), filed March 7, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Ammonium sulfate, in bulk, in tank vehicles, from*

Bethlehem, PA to Whippany, NJ, for 180 days. Supporting Shipper(s): Apollo Chemical Corp., 35 S. Jefferson Rd., Whippany, NJ 07981. Send protests to: T. M. Esposito, Trans. Asst., 600 Arch St., Room 3238, Phila., PA 19106.

MC 107583 (Sub-62TA), filed March 13, 1979. Applicant: SALEM TRANSPORTATION CO., INC., 133-03, 35th Avenue, Flushing, NY 11354. Representative: George H. Rosen, 265 Broadway (POB 348), Monticello, NY 12701. *Passengers and their baggage, in the same vehicle with passengers, in special operations, between Fort Dix, NJ, and the Philadelphia International Airport, Philadelphia, PA. An underlying ETA seeks 90 days authority, for 180 days. Supporting Shipper(s): US Army Training Center and Fort Dix, Fort Dix, NJ 08640. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.*

MC 108962 (Sub-2TA), filed February 21, 1979. Applicant: MIDWEST SPECIALIZED HAULERS, INC., P.O. Box 753, Dubuque, IA 52001. Representative Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Such commodities as are dealt in by agricultural equipment, industrial equipment dealers (except commodities in bulk), from the facilities of Deere & Company located in the counties of Dubuque and Scott, IA to IL for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Deere & Company, John Deere Road, Moline, IL. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 109593 (Sub-8TA), filed March 15, 1979. Applicant: accepted as H. R. HILL, Box 875, 2007 West Shawnee, Muskogee, OK 74401. Representative David A. Cherry, P.O. Box 1540, Edmond, OK 73034. *Contract carrier: irregular route: Waste or scrap paper, from points in AR, CO, IL, KS, LA, MO, NE, NM, TX, & WI, to the facilities of Gold Bond Building Products, division of National Gypsum Co., at or near Pryor, OK, for the account of Gold Bond Building Products, division of National Gypsum Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Gold Bond Building Products, Div. of National Gypsum Co., 2001 Rexford Road, Charlotte, NC 28211. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.*

MC 110012 (Sub-52TA), filed March 9, 1979. Applicant: ROY WIDENER

MOTOR LINES, INC., 707 N. Liberty Hill Road, P.O. Box 68, Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425-13th Street, N.W., Washington, D.C. 2004. *Foodstuffs between the facilities of Campbell Soup Company at or near Napoleon, OH, on the one hand, and, on the other, points, in KY, PA, WV, NC, SC and TN, for 180 days. Supporting Shipper(s): Campbell Soup Company, East Maumee Avenue, Napoleon, OH 43545. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.*

MC 111302 (Sub-145TA), filed March 16, 1979. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, 1500 Amherst Road, Knoxville, TN 37919. Representative: David A. Petersen (same address as applicant). *Liquid paper and cotton defoaming compounds, cotton softners, and Liquid resins, in bulk, in tank vehicles, from the facilities of Callaway Chemical Co., in Columbus, GA, to points in AK, AL, FL, LA, NC, SC, VA and Pasadena, TX, Counce, TN, Calhoun, TN, Hawesville, KY and Valiant, OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Callaway Chemical Company, P.O. Box 2335, Columbus, GA 31902. Send protests to: Glenda Kuss, TA, ICC Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.*

MC 111302 (Sub-146TA), filed March 12, 1979. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, 1500 Amherst Road, Knoxville, TN 37919. Representative: David A. Petersen (same address as applicant). *Liquid paper and cotton defoaming compounds, cotton softners, and liquid resins, in bulk, in tank vehicles, from the facilities of Callaway Chemical Co., in Columbus, GA to points in AK, AL, FL, LA, NC, SC, VA, and Pasadena, TX, Counce, TN, Hawesville, KY, and Valiant, OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Callaway Chemical Company, P.O. Box 2335, Columbus, GA 31902. Send protests to: Glenda Kuss, TA, ICC Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.*

MC 111302 (Sub-147TA), filed March 12, 1979. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, 1500 Amherst Road, Knoxville, TN 37919. Representative: David A. Petersen (same address as applicant). *Liquid resins, in bulk, in tank vehicles, from the facilities of Pacific Resins and Chemicals, Inc. in Peachtree City, GA to Birmingham and Stevenson, AL; Auburndale, FL; Madisonville, KY; Bridgeman, MI; Chattanooga, Covington and Paris, TN;*

Lynchburg and Richmond, VA for 180 days, an underlying ETA seeks 90 days authority. Supporting shipper(s): Pacific Resins & Chemicals, Inc., P.O. Box 710, Newark, OH 43055. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 111812 (Sub-617TA), filed March 16, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant's). *Soy flour* from the facilities of Cargill Protein Products located at Cedar Rapids, IA to points in CA, Seattle and Tacoma, WA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cargill Protein Products, 1010 10th Avenue, S.W., Cedar Rapids, IA 52404. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 112893 (Sub-56TA), filed March 12, 1979. Applicant: BULK TRANSPORT CO., P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW, Washington, DC 20004. *Lubricating oils, greases, and rust inhibitors*, in bulk, in tank vehicles, from Milwaukee, WI to points in the UP of MI and MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Petron Corp., 16700 Glendale Dr., New Berlin, WI 53151. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 112963 (Sub-83TA), filed March 7, 1979. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, MA 01866. Representative: Leonard E. Murphy (same address as applicant). Authority sought to operate as common carrier, by motor vehicle, over irregular routes, transporting: *Poultry fat, in bulk, in tank vehicles* from Augusta, ME, to Perham, MN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Summit Provisions, Inc., P.O. Box 18, Swampscott, MA 01907. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

MC 114273 (Sub-568TA), filed February 26, 1979. Applicant: CRST, INC., P.O. Box 68, 3930 16th Ave., Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney (same as applicant). Meats, meat products, and meat by-products, and

articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Cherokee and Storm Lake, IA to points in MI and OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hygrade Food Products, 26300 Northwestern Highway, Southfield, MI 48075. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114552 (Sub-205TA), filed March 9, 1979. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, SC 29108. Representative: Frank A. Graham, Jr., 707 Security Federal Bldg., Columbia, SC 29201. *Cement compound building or floor dry; iron borings, ground not powdered; concrete surface curing compound; concrete or masonry plasticizer and water reducing compound; mortar building NOIBN dry; buffing compound NOIBN*, from plant facilities of Master Builders, Buffalo NY to points in KY, MI, NC, and SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Master Builders Division, Martin Marietta Corporation, Lee at Mayfield, Cleveland, OH 44118. Send protests to: E. E. Strothoff, D/S ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 115162 (Sub-470TA), filed March 20, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen AL 36401. Representative: Robert E. Tate, P.O. Drawer 500, Evergreen AL 36401. (1) *plastic bags, plastic can liners, plastic containers, plastic articles, plastic film, plastic sheeting, plastic drop cloths, and plastic tarpaulins*, from Lawrence County, TN to points in the states of AL, AR, CO, FL, GA, IL, IN, KS, KY, LA, MI, MS, MO, NC, OH, OK, SC, TX, VA, and WV; and (2) *Equipment, materials, and supplies* used in the manufacture and/or distribution of commodities named in (1) above, (except commodities in bulk, in tank vehicles), from points in the states of AL, AR, CO, FL, GA, IL, IN, KS, KY, LA, MI, MS, MO, NC, OH, OK, SC, TX, VA, and WV to Lawrence County, TN for 180 days. Supporting shipper(s): Webster Industries, Inc.; 58 Pulaski Street; Peabody, MA 01960. Send protests to: Mable Holston, Transportation Assistant; 1616-2121 Building; 2121 Eighth Avenue, North; Birmingham, AL 35203.

MC 115213 (Sub-7TA), filed March 16, 1979. Applicant: ELLIOTT & FIKES TRUCK LINE, P.O. Box 8827, Pine Bluff,

AR 71611. Representative: Horace Fikes, Jr., 414 National Building, Pine Bluff, AR 71601. *Iron and steel fence tubing, articles, materials and supplies* used in the manufacture of fence tubing, from the facilities of Century Tube Corporation, Jefferson County, AR, for 180 days as a common carrier over irregular routes. Supporting Shipper(s): Century Tube Corp., P.O. Box 7612, Pine Bluff, AR 71611. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 115793 (Sub-24TA), filed March 14, 1979. Applicant: CALDWELL FREIGHT LINES, INC., P.O. Box 620, Highway 321 South, Lenoir, NC 28645. Representative: C. Douglas Woods (same as applicant's). *Foodstuffs* (except commodities in bulk and tank vehicles) from Owensboro and Henderson, KY to all points in the state of NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Ragu' Foods Inc., 33 Benedict Place, Greenwich, CT 06830. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 116273 (Sub-224TA), filed February 27, 1979. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Representative: William R. Lavery (address same as applicant). *Liquid Petroleum Solvents*, in bulk, in tank vehicles, from East Liverpool, OH and Madison, IN to Cook, DuPage, Kane, Lake and Will Counties, IL, Oakcreek, WI, Fort Madison IA, and Warsaw, IN, for 180 days. Supporting Shipper(s): Charter Chemicals, 3315 Algonquin Road, Suite 332, Rolling Meadows, IL. Send protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 116273 (Sub-225TA), filed March 3, 1979. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Representative: William R. Lavery (address same as applicant). *Spend Catalyst*, in bulk and in tank vehicles between all points in the United States except Alaska and Hawaii, for 180 days. Supporting Shipper(s): Easttown Technical Co., 46 Darby Road, Paoli, PA 19302. Send protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 116273 (Sub-226TA), filed March 5, 1979. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Representative: William R. Lavery (address same as applicant). *Vinyl Acetate* in bulk, in tank vehicles from Cincinnati, OH to Bridgeview, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Celanese Polymer Specialties Co., 7351 South 78th Avenue, Bridgeview, IL 60455. Send protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 116763 (Sub-495TA), filed March 14, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *Glass containers, with or without lids and all related materials*, from Dayville and Hartford, CT, to Paducah, KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Glass Container Corp., Joë Cook, Regional Traffic Manager, 1301 South Keystone Avenue, Indianapolis, IN 46203. Send protests to: Bureau of Operations, ICC, Wm. J. Green, Jr., Federal Building, 600 Arch Street, Room 63238, Philadelphia, PA 19106.

MC 118142 (Sub-213TA), filed March 14, 1979. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. *Bananas, and agricultural commodities* exempt from regulation under Section 203(b)(6) of the Interstate Commerce Act, in mixed loads with bananas having an immediately prior movement by water, from facilities of Best Banana, Inc., at or near Norfolk, VA to the states of IL, MI, OH, NY, MA, PA, MD, WV, VA, DC, NC, SC, MO, IN, Toronto in the Province of Ontario, and Montreal in the Province of Quebec, for 180 days, common, irregular; 90-day ETA granted R-104; SUPPORTING SHIPPER: Best Banana, Inc., Buffalo, NY; SEND PROTESTS TO: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202. An underlying ETA seeks 90 days authority. Supporting shipper(s): Best Banana, Inc., 910 Maple Road, Buffalo, NY 14221. Send protests to: M. E. Taylor, District Supervisor, 101 Litwin Building, 110 North Market, Wichita, KS 67202.

MC 119493 (Sub-265TA), filed March 14, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, W. 20th Street Road, Joplin, MO 64801. Representative: Thomas D. Boone (same

as applicant). *Canned and preserved foodstuffs*, from the facilities of Heinz U.S.A. Division of H. J. Heinz Co. at or near Muscatine, IA, to KS and MO; and from facilities of Heinz U.S.A. Division of H. J. Heinz Company at or near Iowa City, IA to KS for 180 days. An underlying ETA seeks 90 days. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Co., Pittsburgh, PA 15320. Send protests to: DS John V. Barry, 600 Federal Building, 911 Walnut, Kansas City, MO 64106.

MC 119493 (Sub-266TA), filed March 14, 1979. Applicant: MONKEM CO., INC., P.O. Box 1196, W. 20th Street Road, Joplin, MO 64801. Representative: Thomas D. Boone (same as applicant). *Steel and steel articles*, from Chicago, IL to MO and NE for 180 days. An underlying ETA seeks 90 days. Supporting shipper(s): Prime Steel, Northfield, IL. Send protests to: DS John V. Barry, 600 Federal Building, 911 Walnut, Kansas City, MO 64106.

MC 124673 (Sub-29TA), filed March 14, 1979. Applicant: FEED TRANSPORTS, INC., P.O. Box 2167, Pullman Rd., Amarillo, TX 79105. Representative: Gail Johnson (same as above). *Meat scraps and bone meal* in hopper-type vehicles, from Hereford, TX to Keota, OK, for 180 days. An underlying ETA seeking 90 days authority was granted. Supporting shipper(s): Armour Fresh Meat Company, 111 W. Clarendon, Phoenix, AZ 85077. Send protests to: District Supervisor Ballard, Box F-13206, Federal Building, Amarillo, TX 79101. Supporting shipper(s): Armour Fresh Meat Company, 111 W. Clarendon, Phoenix, AZ 85077. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission—Bureau of Operations, Box F-13206, Federal Building, Amarillo, TX 79101.

MC 124673 (Sub-30TA), filed March 14, 1979. Applicant: FEED TRANSPORTS, INC., P.O. Box 2167, Pullman Rd., Amarillo, TX 79105. Representative: Gail Johnson (same as above). *Meat and bone meal and dry rendered tankage*, from Swift & Company, near Cactus, TX and Iowa Beef Processors, near Amarillo, TX to points in MO, OK east of US Hwy 77, and KS east of US Hwy 81, for 180 days. Underlying ETA seeking 90 days authority was granted. SUPPORTING SHIPPER(S): Pillsbury Company, 7900 Xerxes Avenue South, Bloomington, MN 55431. Send Protests To: District Supervisor Haskell E. Ballard, Box F-13206, Federal Building, Amarillo, TX 79101. Supporting shipper(s): Pillsbury Co., 7900 Xerxes Avenue South,

Bloomington, MN 55431. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box F13206, Federal Building, Amarillo, TX 79101.

MC 128772 (Sub-15TA), filed March 14, 1979. Applicant: STAR BULK TRANSPORT, INC., 821 North Front Street, New Ulm, MN 56073. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. *Contract carrier: irregular routes: Dairy supplies* from Plymouth, IN to New Ulm, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Associated Milk Producers, Inc., Box 455, New Ulm, MN 56073. Send Protests To: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 128883 (Sub-4TA), filed March 15, 1979. Applicant: NORTH IOWA EXPRESS, INC., 1921 N.E. 58th Avenue, P.O. Box AY, Des Moines, IA 50313. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *General commodities* except those of unusual value, class A and B explosives, household goods, commodities in bulk and commodities requiring special equipment, (1) between Des Moines, IA, and Cedar Rapids, IA, serving all intermediate points, from Des Moines over U.S. 69 to U.S. 30, U.S. 30 to Cedar Rapids and return (2) between Cedar Rapids, IA, and Waterloo, IA, serving all intermediate points over U.S. highway 218 for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 16 supporting shippers on file at the Washington, D.C. office and the office named below. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 128883 (Sub-5TA), filed March 7, 1979. Applicant: NORTH IOWA EXPRESS, INC., 1921 N.E. 58th Avenue, P.O. Box AY, Des Moines, IA 50313. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *General commodities* except those of unusual value, class A and B explosives, household goods, commodities in bulk and commodities requiring special equipment, between Waterloo, IA, and Fort Dodge, IA, serving all intermediate points over U.S. Highway 20, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are twelve supporting shippers on file at the Washington, D.C., office or the ICC office below. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 133562 (Sub-37TA), filed February 23, 1979. Applicant: HOLIDAY EXPRESS CORPORATION, P.O. Box 115, Estherville, IA 51334. Representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, IA 51104. (1) Cleaning, washing, water treatment and polishing soaps and compounds, varnishes, rust preventatives, oils, and greases (except commodities in bulk, in tank vehicles), from the facilities of Economica Laboratory, Inc., Avenel, NJ to points in IL, IN, MI, OH, and PA (2) Materials, supplies and equipment used in the conduct of business by cleaning compound manufacturers, (except commodities in bulk, in tank vehicles), from points in IL, IN, MI, OH, PA to the facilities of Economica Laboratory, Inc., Avenel, NJ. Restricted to the transportation of shipments originating at the named origins and destined to the named destinations for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Economic Laboratory, Inc., 255 Blair Road, Avenel, NJ 07001. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 135082 (Sub-85TA), filed March 14, 1979. Applicant: ROADRUNNER TRUCKING, INC., P.O. Box 26748, 415 Rankin Road, Albuquerque, NM 87125. Representative: Randall R. Sain (same address as applicant). *Metal products, except those requiring special equipment and those described in the Mercer Description*, from Phoenix, Tempe and Chandler, AZ, to points in AR, CA, CO, ID, KS, MO, MT, NM, NV, OR, OK, TX, UT, and WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Tube Company, Inc., 2525 North 27th Ave., Phoenix, AZ 85005; Capitol Castings Division, Midland-Ross Corp., P.O. Box 750, Phoenix, AZ 85001. Send protests to: DS, ICC, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

MC 136342 (Sub-16TA), filed March 12, 1979. Applicant: JACKSON & JOHNSON, INC., West Church St., P.O. Box 327, Savannah, NY 13146. Representative: S. Michael Richards / Raymond A. Richards, P.O. Box 225, Webster, NY 14580. *Contract carrier; irregular routes: Canned and preserved foodstuffs*, from Hamlin and Williamson, NY to points in ME, NH and VT, for 180 days. Underlying ETA for 90 days granted under R-3 and effective February 28, 1979. Supporting shipper(s): Duffy-Mott Corporation, 370 Lexington Ave., New York, NY 10017. Send protests to: Interstate Commerce Commission, U.S. Courthouse and

Federal Bldg., 100 S. Clinton St., Rm. 1259, Syracuse, NY 13260.

MC 138432 (Sub-11TA), filed March 14, 1979. Applicant: GARLAND GEHRKE, R.R. 1, Lincoln, IL 62656. Representative: James R. Madler, 120 West Madison St., Chicago, IL 60602. Such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses and (2) materials, ingredients and supplies used in the manufacture distribution and sale of the products in (1) above between the facilities of Ralston Purina at Clinton and Davenport, IA; Louisville, KY; Dunkirk, NY; Mechanicsburg, PA; and Jersey City, NJ on the one hand and on the other points in MN, IA, MO, WI, IL, KY, IN, OH, MI, NY, PA and NJ; (2) between the facilities of Ralston Purina at Battlecreek, MI, Lancaster and Sharon, OH, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Ralston Purina Co., Checkerboard Square, St. Louis, MO. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Illinois, 62701.

MC 139193 (Sub-100TA), filed March 14, 1979. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Kansas City, MO 64123. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Contract, irregular, *Frozen foodstuffs*, from Omaha, NE to points in MN and WI from 180 days. An underlying ETA seeks 90 days. Supporting shipper(s): Campbell Soup Company, Omaha, NE 68102. Send protest to: John V. Berry, DS, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

MC 139193 (Sub-101TA), filed February 21, 1979. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Kansas City, MO 64123. Representative: Terrence D. Jones, Suite 300, 2033 K St., N.W., Washington, DC 20006. Contract irregular, *Canned and preserved foodstuffs*, from the facilities of Heinz, U.S.A. Division of H. J. Heinz Co. at Muscatine, IA to all points in the states of KS, OK, TX, restricted to traffic originating at and destined to the named origin point and destination states, for 180 days. An underlying ETA seeks 90 days. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Co., Pittsburgh, PA 15230. Send protests to: DS John V. Barry, 600 Fed Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 139663 (Sub-6TA), filed February 12, 1979. Applicant: HASKINS, & SON, INC., 815 Max Avenue, Lansing, Michigan 48915. Representative: Jerry B.

Sellman, Muldoon, Pemberton and Ferris, 50 West Broad Street, Columbus, OH 43215. (1) *Resin coated sand*, in dump vehicles from Chicago, IL to Defiance, OH; and (2) *Coke*, in dump vehicles from Toledo, OH to Flat Rock, MI, for 180 days. Underlying ETA seeks 90 authority. Supporting shipper(s): General Motors Corporation, Central Foundry Division, 77 West Center Street, P.O. Box 1629, Saginaw, MI 48605; Michigan Castings Center, Division of Ford Motor Company, P.O. Box 115, Flat Rock, MI 48134. Send protests to: Clarence R. Flemming, District Supervisor, Interstate Commerce Commission, 225 Federal Building, 325 West Allegan Street, Lansing, MI 48933.

MC 139482 Sub-105TA), filed March 13, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Salt and salt products, except in bulk*, from Manistee, MI to points in IL, IN, IA, KY, MD, MO, NJ, JY, OH, PA, TN and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hardy Salt Company, P.O. Drawer 449, St. Louis, MO 63166. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 139973 Sub-67TA), filed March 13, 1979. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street (P.O. Box 398), Fulton, Missouri 65251. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. (1) *Electrical appliances*, (2) *equipment and parts for electrical appliances*, and (3) *poleline hardware*, from Centralia, MO, to those points in the United States in and west of MT, WY, CO, and NM (except AK and HI). An underlying ETA seeks 90 days operating authority, for 180 days. Supporting shipper(s): A. B. Chance & Co., 8100 West Florissant, St. Louis, MO 63136. Send protests to: Vernon V. Coble, D.S., Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

MC 140612 Sub-61TA), filed March 12, 1979. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, IA 52406. Representative: J. L. Kazimour (same as applicant). *Retail store fixtures* from the facilities used by Lozier Corporation located at or near Omaha, NE and Scottsborough, AL to points in AZ, CA, ID, NV, OR, TX, NM, UT and WA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lozier Corp., 4401 North 21st

St., Omaha, NE 68101. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 141402 (Sub-25TA), filed March 7, 1979. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 332, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract carrier: irregular routes: (1) Paper bags, and related accessories, from the facilities of Samson-Midamerica, Inc. at Indianapolis, IN to IL, KY, MI, and OH; (2) Materials, equipment and supplies, used in the manufacture, sale or distribution of the commodities in part (1) above (except in bulk), from IL, KY, MI, and OH, to the facilities of Samson-Midamerica, Inc. at Indianapolis, IN, for 180 days. RESTRICTED to a contract or continuing contract with Samson-Midamerica, Inc., Indianapolis, IN. Supporting shipper: Samson-Midamerica, Inc., 8111 Zionsville Road, Indianapolis, IN 46268. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 429 Federal Bldg., 46 E. Ohio Street, Indianapolis, IN 46204.*

MC 141443 (Sub-9TA), filed March 15, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 Denton Street, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615, East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Such commodities as are dealt in by wholesale, retail and chain and grocery and food business houses, (except frozen commodities and commodities in bulk), from the facilities of the Clorox Company, at Kansas City, MO, to Adams and Arapahoe Counties, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Clorox Company, 1221 Broadway, Oakland, CA 94612. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office and Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.*

MC 142232 (Sub-3TA), filed March 14, 1979. Applicant: BARRET TEXTILE TRANSPORT, INC., P.O. Box 6 Industrial Park, 501 Phifer Rd., Kings Mountain, NC 28086. Representative: Peter T. Barrett, 2757 Loch Lane, Charlotte, NC 28211. *Contract carrier: irregular routes: Synthetic fiber yarn (except commodities in bulk or in tank vehicles) from the facilities of Fiber Industries, Inc. at Earl, NC to points in SC, with no transportation for compensation on return, except as otherwise authorized, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fiber Industries,*

Inc., P.O. Box 32414, Charlotte, NC 28232. Send protests to: District Supervisor, Terrell Price, 800 Briar Creek Rd., Rm. CC516, Mart Office Building, Charlotte, NC 28205.

MC 142672 (Sub-54TA), filed March 16, 1979. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative Don Garrison, P.O. Box 159, Rogers, AR 72756. *Meats, meat products and meat by-products and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Corpus Christi, TX to Landover, MD and DC, for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sam Kane Beef Processors, Inc., P.O. Box 9752, Corpus Christi, TX 78408. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.*

MC 143433 (Sub-7TA), filed March 15, 1979. Applicant: B. L. GILBERT d.b.a. GILBERT TRUCKING COMPANY, P.O. Box 1540, Edmond, OK 73034. Representative Greg E. Summy, P.O. Box 1540, Edmond, OK 73034. *(1) Carpets, padding, carpet samples, materials, and accessories, from Lewisville, AR and Irving, TX, to points in AZ, CA, CO, ID, NV, NM, OR, UT, & WA; and (2) Materials and supplies used in the manufacture of carpet, from points in CA, LA, and TX, to Lewisville, AR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Beattie Manufacturing Co., 242 Main Street, Little Falls, NJ 07424. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office and Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.*

MC 143812 (Sub-8TA), filed March 12, 1979. Applicant: MARTIN E. VAN DIEST, d.b.a. M. VAN DIEST COMPANY, 8087 Victoria Avenue, Riverside, CA 92504. Representative William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Grape juice concentrate and grape brandy, in bulk, from Fresno, CA, to Peoria, IL; Baltimore, MD; Detroit and Paw Paw, MI; Niagara Falls, NY; Cincinnati, Geneva, and Orrville, OH; Memphis, TN; Glendale, WI; and points in WA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Vie-Del Company, P.O. Box 2896, Fresno, CA*

93745. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 143812 (Sub-9TA), filed March 15, 1979. Applicant: MARTIN E. VAN DIEST, d.b.a. M. VAN DIEST COMPANY, 8087 Victoria Avenue, Riverside, CA 92504. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Orange juice concentrate, in bulk, from Fullerton, CA, to ports of entry between the United States and Canada in Wa, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Polar Chilled Products Company, Inc., 130 W. Santa Fe, P.O. Box 526, Fullerton, CA 92632. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.*

MC 143812 (Sub-10TA), filed March 15, 1979. Applicant: MARTIN E. VAN DIEST, d.b.a. M. VAN DIEST COMPANY, 8087 Victoria Avenue, Riverside, CA 92504. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Cleaning compounds, in bulk, from Hoboken, NJ, to Hawthorne, CA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Henkel, Inc., 12607 Cerise Avenue, Hawthorne, CA 90250. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.*

MC 144843 (Sub-2TA), filed March 14, 1979. Applicant: W. R. GRACE & CO., d.b.a. GRACE DISTRIBUTION SERVICES, P.O. Box 308, Duncan, SC 29334. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. *Contract Carrier: irregular routes: (1) Polyester resins, in bulk, in tank vehicles, from Jacksonville, AR to points in and east of ND, SD, NE, CO, OK and TX; and (2) Liquid chemicals in bulk, in tank vehicles, from Carville Baton Rouge, and Donaldsonville, LA to Jacksonville, AR, for the account of U.S.S. Chemicals, Division of U.S. Steel Corporation, Polyesters Unit, for 180 days. An underlying ETA seeking 90 days authority. Supporting shipper(s): United States Steel Corporation, 600 Grant Street, Room 525, Pittsburgh, PA 15230. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens Street, Columbia, SC 29201.*

MC 144982 (Sub-3TA), filed March 7, 1979. Applicant: OHIO PACIFIC EXPRESS, INC., Route No. 1, Bertrand, MO 63823. Representative: Thomas F. Kilroy, Suite 406 Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. *Cleaning compound and chemicals*, except in bulk, in tank vehicles from Terre Haute, IN to all points in AZ, CA, CO, FL, GA, ID, LA, MT, NV, NM, OK, OR, TN, TX, UT, WA, and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Continental Chemical Corp., 1439 Ash Street, Terre Haute, IN 47808. Send protests to: ICC, Wm. J. Green, Jr., Federal Bldg., 600 Arch St. Rm. 3238, Philadelphia, PA 19106.

MC 144982 (Sub-4TA), filed March 9, 1979. Applicant: OHIO PACIFIC EXPRESS, INC., Route No. 1, Bertrand, MO 63823. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX. *Glues, adhesives, caulks, and specialty chemicals*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles) from the facilities utilized by Franklin Chemical Industries, Inc. in or near Columbus, OH to points in the states of AZ, CA, CO, ID, MT, NV, OR, UT, WA, and WY, and to Dallas, TX, Memphis, TN and Kansas City and St. Louis, MO, restricted to traffic originating at the named facilities and destined to the specified destination states and points for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Franklin Chemical Industries, Inc., 2020 Bruck Street, P.O. Box 07802, Columbus, OH 43207. Send protests to: ICC, Wm. J. Green, Jr., Federal Bldg., 600 Arch Street, Rm. 3238, Philadelphia, PA 19106.

MC 145102 (Sub-15TA), filed March 8, 1979. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Mark C. Ellison, 1200 Gas Light Tower, 235 Peachtree St., NE., Atlanta, GA 30303. *Meat, meat products, meat by-products and articles distributed by meat packing houses* as described in Sections A & C of Appendix "I" of the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (Except hides and commodities in bulk) from Denison, Vinton and Dubuque, IA to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dubuque Packing Co., 16th and Sycamore St., Dubuque, IA 52001. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin

Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 145152 (Sub-45TA), filed March 15, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Canned and preserved foodstuffs* from the facilities of Heinz USA, Division of H. J. Heinz Company, at or near Pittsburgh, PA, to Greenville, SC and points in TX, restricted to the transportation of traffic originating at the named facilities, for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145152 (Sub-46TA), filed March 15, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Confectionery* (except in bulk), *dessert preparations, advertising and display materials, gum ball machines and stands*, from the facilities of Leaf Confectionery, Inc., at or near Chicago, IL, to Los Angeles and San Francisco, CA; Denver, CO; Phoenix, AZ; Albuquerque, NM; Billings, MT; Portland, OR; Seattle and Spokane, WA; and Salt Lake City, UT, for 180 days as a common carrier over irregular routes. An underlying ETA 90 days authority. Supporting shipper(s): Leaf Confectionery, Inc., 1155 North Cicero Avenue, Chicago, IL 60651. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145152 (Sub-47TA), filed March 15, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Toilet preparations and toilet articles* (in vehicles equipped with mechanical refrigeration) from the facilities of Roux Laboratories, Inc., at or near Jacksonville, FL, to points in AL, AZ, CA, CO, ID, KS, LA, MS, MT, ND, NM, OR, SD, TX, UT and WA, for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Roux Laboratories, Inc., 3733 University Boulevard, Jacksonville, FL 32217. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145152 (Sub-48TA), filed March 15, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Frozen vegetables* from the facilities of Campbell Soup Company, at or near Hart, MI, to Paris, TX, for 180 days, as a common carrier over irregular routes. An underlying ETA 90 days authority. Supporting shipper(s): Campbell Soup Company, East Maumee Avenue, Napoleon, OH 43535. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145152 (Sub-49TA), filed March 15, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Paper products* (1) from Plattsburgh, NY to points in IL, IN, MI, OH, and PA; and (2) from Gilman, VT to points in IA, IL, IN, MD, MI, NY, OH, and PA, for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shippers: Georgia-Pacific Corporation, 800 Summer Street, Stamford, CT 06902. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145842 (Sub-2TA), filed March 12, 1979. Applicant: SUNDERMAN TRANSFER, INC., Box 63, Windom, MN 56101. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. *Fresh meat, suspended*, from Norfolk, NE to the facilities of United Dressed Beef at or near Golden Valley, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United Dressed Beef, 2300 Nevada Avenue North, Golden Valley, MN 55427. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 145972 (Sub-1TA), filed March 2, 1979. Applicant: IDA/WEST CORP., 16755 Road 17, Ft. Morgan, CO 80701. Representative: James M. VanEvery, 7604 Ingalls, Arvada, CO 80003. Contract carrier: irregular routes: *Meat, meat by-products and articles distributed by meat packinghouses, and canned foodstuffs (except hides and articles transported in bulk)*, from Scottsbluff, NE to WI, IL, NC, and CA; Fremont, NE to Denver, CO; from Beloit, WI to Denver, CO for 180 days. Underlying ETA filed seeking 90 days authority. Supporting shipper: George A. Hormel and Co., P.O. Box 800, Austin, MN 55912.

Send protests to: D/S Roger Buchanan, ICC, 721 19th St., 492 U.S. Customs House, Denver, CO 80202.

MC 146293 (Sub-8TA), filed March 2, 1979. Applicant: REGAL TRUCKING CO., INC., 95 Lawrenceville Industrial Park Circle, N.E., Lawrenceville, GA 30245. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. *Electronic instruments and components, tables and stands for electronic instruments and components, toys and games (except in bulk)*, from Greenville and Jefferson City, TN to all points in LA, TX, OK, AR, MO, and KS., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Magnavox Consumer Electronics Company, Greenville, TN. Send protests to: Sara K. Davis, T/A, ICC, 1252 West Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 146303 (Sub-1TA), filed March 9, 1979. Applicant: COLO-TEX INDUSTRIES, INCORPORATED, 1325 West Quincy Avenue, Englewood, CO 80110. Representative: Kenneth R. Vancil (same address as above). *Alcoholic beverages, wines, and related commodities*, except that which is transported in bulk, from CA, MO, IL, IN, MI, OH, KY, TN, PA, NY, NJ, MA, KS, NE, FL, to warehouse facilities of Wyoming Liquor Commission, Cheyenne, WY, for 180 days. Supporting shipper(s): Wyoming Liquor Commission, 1520 East Fifth Street, Cheyenne, WY 82002. Send protests to: District Supervisor Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 146303 (Sub-2TA), filed March 9, 1979. Applicant: COLO-TEX INDUSTRIES, INC., 1325 West Quincy Avenue, Englewood, CO 80110. Representative: Kenneth R. Vancil, 1325 West Quincy Avenue, Englewood, CO 80110. *Meats and meat by-products and Imported Meats and meat by-products and materials distributed by packinghouses*, except hides, commodities in bulk and commodities transported in tank vehicles, from Newark, NJ, New York City, NY, Philadelphia, PA, and Wilmington, DE and their commercial zones to IA, IL, OH, KY, TN, IN, MO, KS, NE, MN, WI, and MI; from Wichita, KS, Cherokee, IA, Sioux City, IA, York, NE and their commercial zones to MN, IA, KS, MO, OH, KY, TN, PA, NJ, NY, NC, SC, MA and AR, for 180 days. Supporting shipper(s): A & A International, Inc., 2131 Hollywood Blvd., Hollywood, FL 33021. Send protests to: District Supervisor Herbert C. Ruoff, 492 U.S.

Customs House, 721 19th Street, Denver, CO 80202.

MC 146392 (Sub-1TA), filed March 13, 1979. Applicant: AMALGAMATED TRANSPORTATION, INC., 121 12th St. N.W., Cedar Rapids, IA 52405. Representative: Dennis L. Wengert (same as address). Contract authority for *General commodities* (except those of unusual value, Class A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment), between Cedar Rapids, IA and Chicago, IL and their respective commercial zones. Restricted to traffic having prior or subsequent transportation by air for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Burlington Northern Air Freight, Inc., P.O. Box F, Des Moines, IA 50315. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

By the Commission.

H. G. Homme, Jr.,
Secretary.

[Notice No. 51]

[FR Doc. 79-12717 Filed 4-23-79; 8:45 am]

BILLING CODE: 7035-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Meeting of the Secretary's Advisory Committee on the Rights and Responsibilities of Women

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which is established to provide advice to the Secretary of Health, Education, and Welfare on the impact of the policies, programs and activities of the Department on the status of women will hold its Health Task Force meeting on Thursday, May 17, 1979 from 10:00 to 5:00 p.m., and on Friday, May 18, 1979 from 10:00 to 3:00 p.m. The meetings will be held in Room 624-D, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. The agenda will include briefings on Departmental programs and policies relating to women's health issues.

Further information on the Committee may be obtained from: Susan C. Lubick, Executive Secretary, telephone 202-245-8454. These meetings are open to the public.

Dated: April 17, 1979.

Susan C. Lubick,

Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc. 79-12629 Filed 4-23-79; 8:45 am]

BILLING CODE 4110-12-M

Meeting of the Secretary's Advisory Committee on the Rights and Responsibilities of Women

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which is established to provide advice to the Secretary of Health, Education, and Welfare on the impact of the policies, programs, and activities of the Department on the status of women will hold its Family Policy Task Force meeting on Friday, May 25, 1979 from 9:30 to 3:30 p.m. The meeting will be held in Room 337-A, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. The agenda will include briefings on Departmental programs and policies relating to family policy issues, including social security.

Further information on the Committee may be obtained from: Susan C. Lubick, Executive Secretary, telephone 202-245-8454. This meeting is open to the public.

Dated: April 17, 1979.

Susan C. Lubick,

Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc. 79-12631 Filed 4-23-79; 8:45 am]

BILLING CODE 4110-12-M

Office of Management Analysis and Systems; Statement of Organization, Functions, and Delegation of Authority

This notice amends Part A, Office of the Secretary, Chapter AMM, Office of Management Analysis and Systems, (42 FR 36312-13, July 14, 1977; 43 FR 43389, September 25, 1978) by adding a new division, the Division of State Systems, to the Office of Computer and Information Systems (OCIS). To reflect the establishment of the new division, this notice adds to paragraph AMM.20D, *Office of Computer and Information Systems*, the following functional statement:

(12) Recommends HEW policy and coordinates the review and approval of state systems requests for federal financial participation in the cost of ADP systems; promotes the development and transfer of ADP systems among states to improve the efficiency and effectiveness of state-administered HEW programs.

Dated: April 11, 1979.

Frederick M. Bohen,

Assistant Secretary for Management and Budget.

[FR Doc. 79-12630 Filed 4-24-79; 8:45 am]

BILLING CODE 4110-12-M

Food and Drug Administration**Biological Products; Adverse Reactions and Product Experiences; Availability of Draft Proposal****AGENCY:** Food and Drug Administration.**ACTION:** Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of a draft of a proposed regulation requiring records and reports of adverse reactions and product experiences involving licensed biological products. Because of the potential impact this proposed regulation may have on the public and the regulated industry, FDA is making a draft of the proposed regulation available for public review and comment before publishing it as a proposal.

DATE: Comments by June 25, 1979.

ADDRESS: Written comments and requests for a copy of the draft of the proposed regulation to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard E. Fisher, Bureau of Biologics (HFB-620), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: FDA is conducting a review of existing regulations governing biological products to ensure that the criteria for safety, purity, potency, and effectiveness established by regulations are updated to reflect the most current scientific procedures necessary to protect the public health.

Consistent with this review, the agency will be proposing to amend the biologics regulations to define and prescribe specific procedures for all manufacturers of licensed biological products to follow in collecting and reporting information concerning adverse reactions (expected as well as unexpected), serious side effects resulting from the proper use or misuse of the product, manufacturing errors, product defects, and product failures. Adverse reactions and product experiences associated with blood and blood components would be exempt from compliance with the proposed regulation but are to be reported in accordance with existing Part 606 (21 CFR Part 606). The principal goal of the proposed regulation is to increase FDA's information base for effectively and efficiently regulating biological products. FDA will use this information

to identify patterns, trends, frequency, seriousness, and significance of reactions for a continuing evaluation of a benefit/risk analysis for the product to determine whether additional label warnings, manufacturing changes, or investigations are needed, or whether new programs need to be initiated to ensure the continued availability of safe, pure, potent, and effective biological products.

Because of the potential impact this proposed regulation may have on the public and the regulated industry, FDA is making a draft of the proposed regulation available for public review and comment before publishing it as a proposal. A copy of the draft is on public display in the office of the Hearing Clerk (address below) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday. In addition, copies of the draft of the proposed regulation are available from the Hearing Clerk; requests for copies should identify the Hearing Clerk docket number found in brackets at the ending of this document.

Interested persons may, on or before June 25, 1979, submit written comments (preferably four copies, identified with the Hearing Clerk docket number found in brackets in the heading of this document) on the draft proposal to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857. Received comments may be seen in the Hearing Clerk's office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 19, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 79N-0089]

[FR Doc. 79-12746 Filed 4-23-79; 8:45 am]

BILLING CODE 4110-03-M**Quality Assurance for Bioresearch Studies; Memorandum of Agreement With the Environmental Protection Agency****AGENCY:** Food and Drug Administration.**ACTION:** Notice.

SUMMARY: The Food and Drug Administration (FDA) has executed an Interagency Agreement with the Environmental Protection Agency (EPA), Washington, DC formalizing an agreement through which FDA will extend its inspection of toxicological testing laboratories and audit of toxicological testing reports to include testing conducted under the provisions of the Toxic Substances Control Act (TSCA) for submission to EPA. This

agreement updates an earlier Memorandum of Agreement with EPA to reflect the provisions of the TSCA.

FOR FURTHER INFORMATION CONTACT: Ernest L. Brisson, Office of the Associate Commissioner for Regulatory Affairs (HFC-4), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2390.

SUPPLEMENTARY INFORMATION: In the Federal Register of April 4, 1978 (43 FR 14124), FDA published a Memorandum of Agreement (MOA) with EPA regarding the inspection of toxicological testing laboratories and the audit of toxicological testing reports. To reflect provisions of the Toxic Substances Control Act (15 U.S.C. 2601), the agencies have executed a new agreement that became effective February 13, 1979.

Pursuant to the notice published in the Federal Register of October 3, 1974 (39 FR 35697) stating that future memorandums of understanding and agreement between FDA and others would be published in the Federal Register, the agency is issuing the following MOA:

Interagency Agreement Between the U.S. Environmental Protection Agency, Office of Toxic Substances and the U.S. Department of Health, Education, and Welfare, Food and Drug Administration

I. Purpose

This agreement provides for the auditing by the Food and Drug Administration (FDA) of selected health-related toxicity test reports and laboratory records to enable the Environmental Protection Agency (EPA) to determine whether the testing was properly performed and whether the test reports fully and accurately reflect the test procedures.

This agreement is consistent with the Agreement among the U.S. Consumer Product Safety Commission, The U.S. Environmental Protection Agency, The Food and Drug Administration and The Occupational Safety and Health Administration which is a statement of principle to make the most efficient use of resources to achieve consistent regulatory policy and improve the protection of the public and environment.

II. Scope of Work

The Environmental Protection Agency (EPA) is responsible for setting tolerances for pesticide residues in or on raw agricultural commodities and processed foods under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346 and 348) [FFDCA] and for registering pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 *et seq.*) [FIFRA]. In addition, EPA has the mandated task under the Toxic Substances Control Act (15 U.S.C. 2601) [TSCA] to assure that no chemical will present an unreasonable risk of injury to

health or the environment. EPA regulatory decisions on such matters are based in part on the results of toxicological testing performed by or for registration applicants, tolerance petitioners, and chemical manufacturers or processors. Therefore, it is essential that such testing provide an objective and reliable basis for decision-making. An EPA determination that testing was deficient or a test report inadequate may lead to regulatory action; accordingly, such determinations must be well founded and fully documented. This agreement which provides for FDA auditing of selected health-related toxicological test reports and related laboratory records, will enable EPA to determine, (1) whether the testing was performed in accordance with specified methodology, (2) whether any reported deviations may have affected the reliability of the test results, and (3) whether the test reports fully and accurately reflected the test procedures and results. These audits will be performed during FDA Good Laboratory Practices (GLP) on-site visits of the toxicological laboratories which conducted the tests. Scientific support for the conduct of audits of reports submitted to EPA will be provided from EPA scientific staff. This agreement is limited to coverage of laboratories within the United States.

III. Exchange of Information

Each agency will exchange information concerning active investigations, regulatory correspondence and legal or administrative actions being considered against any laboratory covered under this agreement.

IV. FDA's Responsibilities

1. *Audits.* This agreement will result in FDA's providing EPA with the equivalent of twenty (20) man-years of effort of which eleven (11) are operational investigative man-years. On-site visits may include a detailed audit of one or more studies to determine whether the final laboratory report submitted to EPA is accurately reflective of the raw data. Such audits also determine whether the testing was performed in a manner that did not involve errors or practices that may have adversely affected the validity of the study and whether the testing was performed in accordance with the protocol submitted to EPA.

2. *Follow-up audits.* In some cases, a repeat visit to a laboratory will be necessary as part of EPA's follow-up of an "action-indicated" audit. These repeat visits will be part of the 20 man-years of support which will be provided to EPA.

3. *Compliance audits.* On occasion, it may be necessary to perform audits at a laboratory which is not scheduled to be visited during a given fiscal quarter. FDA will perform these audits upon request within constraints of FDA program priorities and availability of trained regional personnel. The audits will be part of the 20 man-years of support which will be provided to EPA.

4. *Visits to facilities which test solely compounds not regulated by FDA.* FDA will conduct GLP on-site visits for EPA at laboratories which do not strictly come under FDA's purview (e.g., laboratories which test

only toxic substances not regulated by FDA). FDA investigators will be delegated the authority as appropriate.

5. *Reporting.* FDA will provide EPA with a report for each study audited, which will list discrepancies noted between the raw data and the laboratory report submitted to EPA or predecessor agencies. This report will be prepared by the FDA investigator who performed the audit and routed to FDA's Bioresearch Monitoring Staff for transmission to EPA's Office of Toxic Substances. It will be prepared according to a mutually agreed format and will contain a complete description of errors, deficiencies, or questionable practices noted during the audit. These observations will be documented with copies of the original laboratory records pertinent to each case. Where full documentation is not available, the audit report shall explain the circumstances and, if possible, identify the missing documents.

6. *Preliminary review of test reports prior to an audit.* FDA auditing personnel shall perform a review of the test reports to be audited under this agreement before the on-site audit is initiated. Such reviews shall be designed to familiarize FDA personnel with the contents of the test reports and related documents to be provided by EPA. Special instructions or any items which require particular attention during the audit will be identified by EPA in assembling the audit package.

7. *Responding to scientific and enforcement review.* In some cases regulatory and scientific follow-up by EPA may require the FDA investigator who performed the audit to respond to questions and comments which EPA scientific reviewers may have concerning the audit report. In addition, in some cases, enforcement action by EPA may require the FDA investigator to participate in civil or criminal proceedings concerning the audit he or she performed.

8. *Training.* (1) FDA personnel who perform audits for EPA will have received training in non-clinical laboratory inspection techniques.

(2) Wherever possible, investigators who perform audits for EPA will have already gained auditing experience within the Bioresearch Monitoring Program.

9. *Confidentiality.* Under various provisions of FFDCA, FIFRA and TSCA, toxicology data submitted to the agency shall be considered trade secrets entitled to protection from unauthorized public disclosure. FDA will maintain the confidentiality of all data received as a result of implementing this agreement. Any requests for disclosure of such information received by the FDA under the Freedom of Information Act will be referred to EPA for processing. All documents provided to FDA by EPA for the Conduct of the Audits will be returned to EPA along with the audit report. A copy of the audit report will be retained by the FDA district office.

10. *GLP inspection reports for toxic substances-testing laboratories.* FDA will provide, upon request from EPA, GLP inspection reports and Bureau reviews for toxic substances-testing laboratories visited by FDA. Trade secret information as defined in section 301(j) of the Food, Drug, and

Cosmetic Act will be deleted as required by statute wherever such information may appear in such reports.

11. *Scheduling of laboratories to be visited.* Upon receipt from EPA of the list of laboratories to be visited during a given fiscal quarter, FDA field offices will schedule those laboratories for an audit visit and advise EPA through FDA's Division of Investigations/EDRO of the date of inspection.

EPA's Responsibilities

1. *List of laboratories for coverage.* EPA will provide FDA with a quarterly listing of laboratories to be visited. This listing is to be provided to FDA at least 30 days in advance of a given quarter to permit proper work planning by the field offices.

2. *Reporting forms.* A mutually agreed format will be used by FDA in reporting EPA audits.

3. *Studies to be audited.* EPA will provide FDA with copies of the toxicology test reports to be audited, together with scientific reviews prior to a scheduled EPA audit and including any special instructions which might be appropriate to a particular study to be audited. These documents shall be provided directly to the FDA district office conducting the inspection.

4. *FOI requests.* EPA will respond to all requests for information received by FDA under the Freedom of Information Act which relate to visits performed for EPA by FDA.

5. *Delegation of authority.* EPA will provide to FDA personnel a letter containing appropriate delegation of authority. This letter will then be furnished to the management of the laboratory at the beginning of the visit.

6. *Notification of sponsor.* Contracts may exist between laboratory and sponsor prohibiting disclosure of raw data by the laboratory without the permission of the sponsor. In order to ensure that raw data are available to FDA for auditing purposes, the sponsor of the study will be notified by telephone of the intent to audit on the working day preceding the scheduled visit. FDA district offices will exercise their own discretion regarding advance notification to the laboratory of the scheduled visit.

7. *Scientific support.* EPA may provide a staff scientist to accompany the FDA investigator on audits conducted under this agreement. The FDA investigator is fully responsible for the conduct of the audit and the preparation of the audit report. If necessary, EPA inspectors may accompany the FDA investigator on visits conducted under this agreement.

8. *Evaluation of audit reports.* EPA will determine whether discrepancies listed in the audit reports submitted by FDA inspectors impact on the validity of the studies. Any administrative or regulatory actions resulting from these audit reports will be the responsibility of EPA.

VI. Duration of Agreement

This agreement will become effective on the date of the last signature and shall continue in effect until September 30, 1979, unless modified by mutual written consent of both parties or terminated by either party

upon a ninety (90) day advance written notice to the other. This agreement may be renewed by written consent of both parties on a fiscal year basis.

VII. Project Officers

For EPA: Dr. Carl R. Morris (TS-792), Dr. Diana Reisa (TS-766), Office of Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, Telephone 202-755-4863, 202-755-8026.

For FDA: Mr. Ernest L. Brisson (HFC-4), Office of the Associate Commissioner for Regulatory Affairs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, Telephone 301-443-2390.

VIII. Funding

No transfer of funds is necessary under this agreement. FDA will provide support costs for the 20 man-years of service allocated to this agreement. FDA personnel assigned to carry out the functions under this agreement will be primarily senior Consumer Safety Officers assigned to field offices.

IX. Authority

Authority for this agreement is 31 U.S.C. 686 (The Economy Act), 7 U.S.C. 1361 and 15 U.S.C. 2625.

Approved and accepted for the Environmental Protection Agency.

Dated: February 5, 1979.

S. D. Jellinek,

Assistant Administrator for Toxic Substances, Environmental Protection Agency.

Approved and accepted for the Food and Drug Administration.

Dated: February 13, 1979.

Ronald G. Cheshmore,

Acting Associate Commissioner for Management and Operations, Food and Drug Administration.

Effective date. This Memorandum of Agreement became effective February 13, 1979.

Dated: April 17, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FDA-224-77-8017]

[FR Doc. 79-12747 Filed 4-23-79; 8:45 am]

BILLING CODE 4110-03-M

American Hoechst Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The American Hoechst Corp. has filed a petition proposing that the food additive regulations be amended to provide for the use of butyric acid, 3, 3-bis (3-*tert*-butyl-4-hydroxyphenyl) ethylene ester as an antioxidant and/or stabilizer in olefin polymers.

FOR FURTHER INFORMATION CONTACT: John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat 1788 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 8B3408) has been filed by American Hoechst Corp., Route 202-206 N. Bridgewater, Somerville, NJ 08876, proposing that § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to provide for the use butyric acid, 3,3-bis (3-*tert*-butyl-4-hydroxyphenyl) ethylene ester as an antioxidant and-or stabilizer in olefin polymers.

The agency has determined that the proposed action falls under 21 CFR 25.1(g)(1)(v) and is exempt from the requirement of an environment impact analysis report, and that no environmental impact statement is necessary.

Dated: April 16, 1979.

Sanford A. Miller,

Director, Bureau of Foods.

[Docket No. 79F-0005]

[FR Doc. 79-12537 Filed 4-23-79; 8:45 am]

BILLING CODE 4110-03-M

Philadelphia Biologics Center, Inc.; Opportunity for Hearing on Intent To Revoke U.S. License No. 139

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is giving Notice of Opportunity for Hearing on a proposal to revoke the establishment and product licensed issued to Philadelphia Biologics Center, Inc., 1015 Chestnut St., Philadelphia, PA 19107 for the manufacture of Source Plasma (Human). The proposed revocation is based on failure to conform to certain provisions of the biologics regulations specified in this document.

DATES: The firm may submit a written request for a hearing by May 24, 1979, and any data justifying a hearing must be submitted by June 25, 1979; other interested persons may submit comments on the proposed revocation to the Hearing Clerk by June 25, 1979.

ADDRESS: Written requests for hearing and written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard E. Fisher, Bureau of Biologics (HFB620), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, MD 20014, 301-443-1306.

SUPPLEMENTARY INFORMATION: FDA is proposing to revoke the establishment

and product licenses (U.S. License No. 139) issued to Philadelphia Biologics Center, Inc., 1015 Chestnut St., Philadelphia, PA 19107, for the manufacture of Source Plasma (Human). The proposed revocation is based on the failure of the firm and its responsible management to conform to the applicable standards and conditions established in its license and the requirements in Parts 600, 601, 610, and 640 (21 CFR Parts 600, 601, 610, and 640), and failure to comply with §§ 601.12 and 640.75 (21 CFR 601.12 and 640.75) in that significant changes in manufacturing methods were implemented without approval by the Director, Bureau of Biologics. FDA concludes that these actions constitute a danger to the health of the donors participating in the firm's plasmapheresis programs.

FDA inspections of this firm from December 19, 1978 through January 8, 1979 revealed numerous deviations from applicable standards designed to protect the health and well-being of donors participating in the firm's plasmapheresis programs. FDA concluded that the patterns and types of non-compliance with the applicable standards observed during these inspections also demonstrated a failure of the Responsible Head and Medical Director to exercise control over the establishment's operations.

By letter dated January 22, 1979, issued pursuant to § 601.6 (21 CFR 601.6), FDA suspended U.S. License No. 139 and the product license for Source Plasma (Human) issued to Philadelphia Biologics Center, Inc. The letter detailed the grounds for suspension and instructed the firm to cease collecting and shipping Source Plasma (Human) until otherwise notified. The letter also offered the firm the opportunity to request that revocation be held in abeyance pending resolution of the matters involved.

In a telegram dated January 24, 1979, the firm requested that revocation be held in abeyance. The firm then responded to FDA's suspension letter by a letter dated January 31, 1979, claiming that the numerous deviations were more semantic and judgmental variations than direct violations of regulations or guidelines. Upon further review of the firm's files, the agency has determined that the firm was willfully collecting and shipping Source Plasma (Human) manufactured in violation of the conditions of its product license and applicable sections of Parts 600, 601, 610, and 640. Accordingly, FDA is proceeding directly to revocation without giving the firm further opportunity to achieve compliance.

In a letter dated February 9, 1979, issued pursuant to § 601.5(b) (21 CFR 601.5(b)), FDA provided the firm with due notice of the agency's intent to revoke U.S. License No. 139 and to issue a Notice of Opportunity for Hearing. The letter also instructed the firm to contact the Deputy Director, Bureau of Biologics within ten (10) working days of receipt of the letter if it wished to waive the opportunity for a hearing. In a letter dated February 15, 1979, the firm responded to FDA's notice of intent to revoke U.S. License No. 139 by denying that its actions were willful. Because no response was received from the firm waiving the opportunity for hearing FDA is now issuing a Notice of Opportunity for Hearing on the matter pursuant to § 12.21(b) (21 CFR 12.21(b)).

Copies of the letter dated January 22, 1979 detailing the grounds for suspension, the letter dated January 31, 1979 in response to this suspension, the letter dated February 9, 1979 setting forth the notice and intent to revoke U.S. License No. 139, and the letter dated February 15, 1979 in response to the notice of intent to revoke are on file at the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

The grounds for revocation include the following significant deviations found during the December 19, 1978 through January 8, 1979 FDA inspection of the firm at the above-cited location. Further grounds are set forth in the January 22, 1979 and February 9, 1979 letters.

1. Changes in manufacturing methods were effectuated without either being reported to or approved by the Director, Bureau of Biologics (21 CFR 601.12), for example:

a. Donors were immunized with red blood cells.

(1) A physician was not on the premises when donors were immunized with human red blood cells (21 CFR 640.66);

(2) Immunization of donors with human red blood cells was not routinely performed by an appropriately trained person under the physician's supervision (21 CFR 640.66);

(3) A physician did not select and schedule the injection of antigen or evaluate the clinical response of each donor who was immunized with human red blood cells (21 CFR 640.66);

(4) The donor record files of at least two women of childbearing age immunized with human red blood cells did not contain documentation that the women were incapable of bearing children.

b. Source Plasma (Human) was collected at variance with the Source Plasma (Human) regulations (21 CFR 640.75).

(1) Donors reactive to a third generation test for hepatitis B surface antigen (HB_sAg) were serving on a regular basis as donors of Source Plasma (Human) (21 CFR 610.41);

(a) At least one regular HB_sAg donor was plasmapheresed more than once a week;

(b) One HB_sAg donor was plasmapheresed regularly beginning 2 days after the loss of a unit of red blood cells (21 CFR 640.63(e));

(c) At least one HB_sAg donor was plasmapheresed after test results indicated a low total protein (21 CFR 640.65(b)(2)(i));

(d) Monthly liver function tests were not always performed.

(2) Hemophiliacs, some with a history of viral hepatitis, were being plasmapheresed in violation of established guidelines, for example:

(a) Donors were plasmapheresed more than once per week, contrary to the establishment's standard operating procedures;

(b) At least one donor was not given an annual physical at the earliest opportunity;

(c) Monthly liver function tests were not always performed;

(d) In the files reviewed, there were no records indicating that the donors' personal physicians had given written permission for them to be plasmapheresed.

(e) Two hemophiliacs who did not return for plasmapheresis when the four-month samples were due to be collected were plasmapheresed without written approval from a physician (21 CFR 640.65(b)(1)(ii)).

(3) Source Plasma (Human) was manufactured with anticoagulants not approved by FCA for use by this establishment, e.g., heparin and ethylenediaminetetraacetic acid (EDTA).

2. A repeat donor who did not return for plasmapheresis for a total period exceeding 6 months was plasmapheresed without being processed as a new donor (21 CFR 640.65(b)(1)(iii)).

3. Donors, including a hemophiliac with a history of viral hepatitis, whose protein compositions were not within normal limits, were not removed from the program until these values returned to normal (21 CFR 640.65(b)(2)(i)).

4. Accumulated laboratory data and collection records were not always reviewed by a physician within 21 days after a test sample was drawn to

determine whether or not the donor may continue in the program (21 CFR 640.65(b)(2)(i)).

Pursuant to § 12.21(a), the Commissioner of Food and Drugs is offering an opportunity for a hearing on the revocation of the establishment and product licenses (U.S. License No. 139) issued to Philadelphia Biologics Center, Inc. for the manufacture of Source Plasma (Human). A written request for a hearing by the firm may be submitted to the Hearing Clerk, Food and Drug Administration by May 24, 1979, and any data justifying a hearing must be submitted by June 25, 1979. Other interested persons may submit comments on the proposed revocation to the Hearing Clerk, Food and Drug Administration by June 25, 1979.

Comments should be in four copies (except that individuals may submit single copies), identified with the Hearing Clerk document number found in brackets in the heading of this document. Received comments may be seen in the Hearing Clerk's office from 9 a.m. to 4 p.m., Monday through Friday.

Dated: April 18, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 79N-0002]

[FR Doc. 79-12558 Filed 4-19-79; 10:20 am]

BILLING CODE 4110-03-M

Working Relationships Between the Bureau of Radiological Health and the Bureau of Medical Devices; Availability of Document

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency announces the availability of a document describing the responsibilities of the Bureau of Radiological Health and the Bureau of Medical Devices for medical devices under the Medical Device Amendments of 1976 to the Federal Food, Drug, and Cosmetic Act. The Bureau of Radiological Health is the lead bureau in carrying out Food and Drug Administration (FDA) responsibilities for devices that emit radiation and their accessories. The Bureau of Medical Devices is the lead bureau for other medical devices.

EFFECTIVE DATE: April 24, 1979.

ADDRESS: Copies of the document are available from the Hearing Clerk (HFA-305), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Walter E. Gundaker, Bureau of Radiological Health (HFX-470), Food and Drug Administration, Department of

Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3487, or Leighton Hansel, Bureau of Medical Devices (HFK-120), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-8156.

SUPPLEMENTARY INFORMATION: The Medical Device Amendments of 1976 (Pub. L. 94-295, 90 Stat. 539-583), amending the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040 et seq. [21 U.S.C. 201 et seq.]), became law on May 28, 1976. Since enactment, the Bureau of Medical Devices (BMD) has taken the lead role within FDA to develop and implement programs under these new authorities. The Bureau of Radiological Health (BRH), FDA, is responsible for administering the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602, 42 U.S.C. 263b et seq.). Both statutes apply to medical devices that emit electronic product radiation and their accessories. To avoid duplication and overlap, BMD and BRH have established working relationships involving clearly defined responsibilities apportioned between the bureaus.

BRH is the lead bureau in FDA that will deal with manufacturers of, and assure the safety and effectiveness of, radiation-emitting medical devices and accessories, using the authority under the Medical Device Amendments of 1976 and the Radiation Control for Health and Safety Act of 1968, as appropriate. BMD will have lead responsibility for all other medical devices, except that the Bureau of Biologics, FDA, may, at a future date, be designated the lead bureau for certain devices used by facilities that collect and process blood and blood products.

A more detailed description of the affected product categories and of the programs for which BMD or BRH is responsible is contained in a document, "Working Relationships Between the Bureau of Radiological Health and the Bureau of Medical Devices using the Medical Device Amendments of 1976," available from the office of the Hearing Clerk (address above). Requests for copies of the document should be identified with the Hearing Clerk docket number found in brackets in the heading of this notice.

Dated: April 12, 1979.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 79N-00063]

[FR Doc. 79-12385 Filed 4-23-79; 8:45 am]

BILLING CODE 4110-03-M

NATIONAL INSTITUTES OF HEALTH

Artificial Kidney-Chronic Uremia Advisory Committee; Amended Meeting

Notice is hereby given of the meeting date change of the Artificial Kidney-Chronic Uremia Advisory Committee, National Institute of Arthritis, Metabolism, and Digestive Diseases, which was published in the Federal Register on April 9, 1979, 44 FR 21079.

The meeting notice was originally published as being held May 14-17, 1979, but will be held May 15-17, 1979, National Institutes of Health, Building 31, Conference Room 4. The meeting will be open to the public from 8:30 to 9:00 a.m. on May 15 and closed to the public from 9:00 a.m. May 15 to adjournment on May 17. Attendance by the public will be limited to space available.

Dated: April 13, 1979.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health

[FR Doc. 79-12646 Filed 4-23-79; 8:45 am]

BILLING CODE 4110-08-M

Biotechnology Resources Review Committee Meeting

Notice is hereby given of a change in the date of the meeting of the Biotechnology Resources Review Committee, Division of Research Resources, which was published in the Federal Register on February 27, 1979 (44 FR 11126).

This meeting was to have convened at 8:30 a.m. on April 26 to recess and on April 27 from 8:30 a.m. until adjournment, but has been changed to meet on April 26 from 8:30 a.m. until adjournment at the Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland 20014.

The meeting will be open to the public from 8:30 a.m. to adjournment.

(Catalog of Federal Domestic Assistance Program No. 13.371, National Institutes of Health)

Dated: April 12, 1979.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health

[FR Doc. 79-12644 Filed 4-23-79; 8:45 am]

BILLING CODE 4110-08-M

Cancer Control Merit Review Committee Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control Merit Review Committee, National Cancer Institute, May 9, 1979, Blair Building, First Floor Conference Room, 8300 Colesville Road,

Silver Spring, Maryland 20910. Except as noted below, this meeting will be open to the public on May 9, 1979, from 8:30 a.m.-5:00 p.m., to review a contract progress report from the University of Louisville Foundation, Louisville, Kentucky. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public approximately half an hour before adjournment to discuss personal information concerning individuals associated with the University of Louisville Foundation, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301-496-5708) will provide a summary of the meeting and a roster of committee members, upon request.

Hugh E. Mahanes, Jr., Acting Executive Secretary, National Cancer Institute, Blair Building, Room 726, National Institutes of Health, Silver Spring, Maryland 20910 (301-427-7298) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.394, National Institutes of Health)

Dated: April 18, 1979.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health

[FR Doc. 79-12645 Filed 4-23-79; 8:45 am]

BILLING CODE 4110-08-M

Clinical Applications and Prevention Advisory Committee; Amended Meeting

Notice is hereby given of a change in date for the open portion of the meeting of the Clinical Applications and Prevention Advisory Committee, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, which was published in the Federal Register on March 19, 1979, 44 FR 16497-98.

The meeting was published as being open to the public on April 26, 1979 from 1:30 p.m. to adjournment and closed on April 27, 1979 from 8:30 a.m. to adjournment. This meeting will now be closed to the public on April 26, from 1:00 p.m. to adjournment, in accordance with provisions set forth in Sections 552b(c) 4 and 6, Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, and open

to the public on April 27, from 8:30 a.m. to adjournment.

Dated: April 12, 1979.

Suzanne L. Freneau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-12643 Filed 4-23-79; 8:45 am]

BILLING CODE 4110-08-M

Communicative Disorders Review Committee Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Communicative Disorders Review Committee, National Institutes of Health, June 10-11, 1979, in the Sonesta Hotel, 5 Cambridge Parkway, Cambridge, MA 02142.

The meeting will be open to the public from 9:00 a.m. until 11:00 a.m. on June 10th to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 10th from 11:00 a.m. to adjournment on June 11th, for the review, discussion, and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A02, NIH, NINCDS, Bethesda, MD 20014 (Telephone 301/496-5751), will furnish summaries of the meeting and rosters of committee members.

Dr. Ernest J. Moore, Executive Secretary, NINCDS, NIH, Federal Building, Room 9C14, Bethesda, MD 20014 (Telephone 301/496-9223), will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, National Institutes of Health)

Dated: April 16, 1979.

Suzanne L. Freneau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-12651 Filed 4-23-79; 8:45 am]

BILLING CODE 4110-08-M

National Advisory General Medical Sciences Council Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the

National Advisory General Medical Sciences Council, National Institute of General Medical Sciences, National Institutes of Health, May 31-June 1, 1979, Building 31, Conference Room 6.

This meeting will be open to the public on May 31, 1979, from 9 a.m. to 12 noon for opening remarks; report of the Director, NIGMS; and other business of the Council. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6), the meeting will be closed to the public on May 31, 1979, from 12 noon to 5 p.m. and on June 1, 1979, from 9 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Paul Deming, Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Room 9A07, Westwood Building, Bethesda, Maryland 20014, Telephone: 301, 496-7301 will provide a summary of the meeting and a roster of council members.

Dr. Ruth L. Kirschstein, Executive Secretary, NAGMS Council, National Institutes of Health, Building 31, Room 4A52, Bethesda, Maryland 20014, Telephone: 301, 496-5231 will provide substantive program information.

(Catalog of Federal Domestic Assistance Programs Nos. 13-859, 13-860, 13-861, 13-862, 13-863, National Institutes of Health)

Dated: April 16, 1979.

Suzanne L. Freneau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-12649 Filed 4-23-79; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Research Resources Council Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Research Resources Council, Division of Research Resources (DRR), May 21-22, 1979, Conference Room 9, Bldg. 31-C, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

The meeting will be open to the public from 9:00 a.m. to recess on May 21 for the conduct of Council business, including a report by the Director, DRR, a report by the Deputy Director, DRR, a review of the revised Council operating

procedures, a presentation by the Associate Director for Extramural Research and Training, NIH, a presentation by a member of the Council entitled, "Harvard and the NIH," and a review of the Biotechnology Resources Program. The five Program Work Groups of the Council will then convene as follows to identify and deliberate on issues relating to their Programs: Animal Resources Program Work Group in Conference Room 9; the Biotechnology Resources Program Work Group in Room 5B03, Bldg. 31; the Biomedical Research Support Program Work Group in Room 5B59, Bldg. 31; the Minority Biomedical Support Program Work Group in Room 5B35; and the General Clinical Research Centers Program Work Group in Room 5B51, Bldg. 31. At 3:00 p.m. the entire Council will again convene in Conference Room 9 for a general discussion. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 22, 1979, from 8:30 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Room 5B13, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, 301-496-5545, will provide summaries of the meeting and rosters of the Council members. Dr. James F. O'Donnell, Deputy Director, Division of Research Resources, National Institutes of Health, Room 5B03, Bldg. 31, Bethesda, Maryland 20205, 301-496-6023, will furnish substantive program information and will receive any comments pertaining to this announcement.

(Catalog of Federal Domestic Assistance Program Nos. 13.306; 13.333; 13.337; 13.371; 13.375; National Institutes of Health.)

Dated: April 16, 1979.

Suzanne L. Freneau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-12647 Filed 4-23-79; 8:45 am]

BILLING CODE 4110-08-M

**National Cancer Advisory Board;
Board Subcommittee Meetings**

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the National Cancer Advisory Board and its Subcommittees, May 24-25, 1979, National Cancer Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

Some of these meetings will be open to the public to discuss committee business as indicated in the notice. Attendance by the public will be limited to space available.

Some of these meetings will be closed to the public as indicated below in accordance with the provisions set forth in Section 552b(c)(4) and Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will furnish summaries of the meetings, substantive program information and rosters of members, upon request.

Name of committee: National Cancer Advisory Board.

Date and place of meeting: May 24-25, 1979, Building 31C Conference Room 10.

Times open: May 24, 1:00 p.m.—adjournment. May 25, 11:30 a.m.—adjournment.

Agenda/open portion: Reports on activities of the President's Cancer Panel and the National Cancer Institute; a program review of the Division of Cancer Cause and Prevention; presentations on the roles of related agencies in cancer activities; and reports of the Board's Subcommittees.

Time closed: May 25, 9:30 a.m.—11:30 a.m.

Closure reason: To review research grant applications.

Name of committee: Subcommittee on Centers.

Date and place of meeting: May 24, 1979; 8:30 a.m.—10:00 a.m., Building 31, Room 11A10.

Closed for the entire meeting.

Agenda: To review research grant applications.

Name of committee: Subcommittee on Special Actions for Grants.

Date and place of meeting: May 24, 1979; 9:00 a.m.—12:00 noon, Building 31C, Conference Room 10.

Closed for the entire meeting.

Agenda: To review research grant applications.

Name of committee: Subcommittee on Environmental Carcinogenesis.

Date and place of meeting: May 24, 1979; 10:30 a.m.—12:00 noon, Building 31A, Conference Room 10A34.

Open for the entire meeting.

Agenda: To discuss the Subcommittee's report on bioassay state-of-the-art.

Name of committee: Subcommittee on Construction.

Date and place of meeting: May 24, 1979; 7:00 p.m.—adjournment, Building 31C, Conference Room 7.

Closed for the entire meeting.

Agenda: To review research grant applications.

Name of committee: Subcommittee on Planning and Budget.

Date and place of meeting: May 24, 1979; 7:30 p.m.—adjournment, Building 31C, Conference Room 10.

Open for the entire meeting.

Agenda: To review budgets for fiscal year 1980; discussion of the 5-year budget projections for the planning period fiscal year 1981-1985.

(Catalog of Federal Domestic Assistance Program Nos. 13.392-13.397 National Institutes of Health)

Dated: April 16, 1979.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-12648 Filed 4-23-79; 8:45 am]

BILLING CODE 4810-08-M

**NIDR Special Grants Review
Committee Meetings**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the NIDR Special Grants Review Committee, National Institute of Dental Research, on June 5, 1979, in Building 31-C, Conference Room 9, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to 10:00 a.m. to discuss general policies and philosophies relating to grants and their review. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 10:00 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Emil L. Rigg, Chief of Scientific Review Branch, National Institute of Dental Research, National Institutes of

Health, Westwood Building, Room 504, Bethesda, MD 20014 (Phone 301/496-7658) will provide summaries of meetings, rosters of committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.845, National Institutes of Health)

Dated: April 16, 1979.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-12650 Filed 4-23-79; 8:45 am]

BILLING CODE 4110-08-M

**Sickle Cell Disease Advisory
Committee Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Sickle Cell Disease Advisory Committee, National Heart, Lung, and Blood Institute, June 21 and 22, 1979. The meeting will be held in Conference Room #8, C-Wing, Building 31, National Institutes of Health, Bethesda, Maryland 20205. The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m., to discuss recommendations on the implementation and evaluation of the Sickle Cell Disease Program. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Building 31, Room 5A03, (301) 496-4236, will provide summaries of the meeting and rosters of the Committee members.

Clarice D. Reid, M.D., Chief, Sickle Cell Disease Branch, DBDR, NHLBI, NIH, Federal Building, Room 504, (301) 496-6931, will furnish substantive program information.

Dated: April 12, 1979.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-12652 Filed 4-23-79; 8:45 am]

BILLING CODE 4110-08-M

**Office of the Assistant Secretary of
Health****Health Maintenance Organizations;
January List**

AGENCY: Office of Assistant Secretary for Health, HEW.

ACTION: Notice, January list of qualified health maintenance organizations.

SUMMARY: This notice sets forth the names, addresses, service areas, and date of qualification of entities determined by the Secretary to be qualified health maintenance organizations (HMOs). In addition, the service area of two previously qualified

HMOs has been revised and reported at the end of the list.

FOR FURTHER INFORMATION CONTACT:

Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building—3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443/4106.

SUPPLEMENTARY INFORMATION:

Regulation issued under Title XIII of the

Public Health Service Act, as amended, (42 CFR 110.605(b)) require that a list and description of all newly qualified HMOs be published on a monthly basis in the Federal Register. The following entities have been determined to be qualified HMOs under Section 1310(d) of the Public Health Service Act (42 U.S.C. 300e-9(d)):

QUALIFIED HEALTH MAINTENANCE ORGANIZATIONS

Name, Address, Service Area, and Date of Qualification.

(Operational Qualified Health Maintenance Organization: 42 CFR § 110.603(a))

1 HealthPlus, Inc., (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 6511 Kenilworth Avenue, Suite 400, Riverdale, Maryland 20840. Service area: Zip codes included in the area are as follows:

Prince George's County,

20601	20607	20613	20623	20705	20710	20715	20716
20722	20735	20740	20769	20770	20780	20781	20782
20783	20784	20785	20786	20787	20788	20801	20810
20811	20822	20840	20870				

Montgomery County

20901	20902	20903	20904	20906	20907	20910	
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District of Columbia

20011	20012	20017	20018	20019	20020	20021	20022
20023	20027	20028	20031	20032	20033		

Date of qualification: January 1, 1979 (Achieved preoperational qualification on December 28, 1978),

(Preoperational Qualified Health Maintenance Organizations: 42 CFR § 110.603(c))

1 Health Maintenance Network of Southern California, d/b/a/ Health Net (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), P.O. Box 7000, Van Nuys, California 91470. Service area: The following zip codes:

Orange County

90620	90621	90623	90630	90631	90680	90720	90740
92621	92625	92626	92627	92631	92632	92633	92635
92640	92641	92643	92644	92645	92646	92647	92648
92649	92655	92660	92661	92662	92665	92666	92677
92668	92669	92670	92676	92680	92683	92688	92701
92703	92704	92705	92706	92707	92708	92709	92710
92714	92715	92801	92802	92804	92805	92806	92807

Los Angeles County

90001	90002	90003	90004	90006	90007	90008	90010
90011	90012	90013	90014	90015	90016	90017	90018
90019	90020	90021	90022	90023	90024	90025	90026
90027	90028	90029	90031	90032	90033	90034	90035
90036	90037	90039	90040	90041	90042	90043	90044
90045	90046	90047	90048	90049	90056	90057	90058
90059	90061	90062	90063	90064	90065	90066	90067
90068	90069	90071	90071	90201	90211	90212	90220
90221	90222	90230	90240	90241	90242	90245	90247
90248	90250	90250	90255	90260	90262	90265	90268
90270	90272	90274	90277	90278	90280	90280	90291
90301	90302	90303	90304	90305	90401	90402	90403
90404	90405	90501	90502	90503	90504	90505	90506
90501	90602	90603	90604	90605	90606	90638	90640
90650	90660	90670	90701	90705	90710	90712	90713
90715	90716	90717	90723	90731	90732	90744	90745
90746	90747	90802	90803	90804	90805	90806	90807
90808	90810	90813	90814	90815	90840	91001	91006
91010	91011	91016	91020	91024	91030	91040	91042
91046	91101	91103	91105	91106	91107	91108	91201
91202	91203	91204	91205	91206	91207	91208	91214
91302	91303	91304	91306	91307	91311	91316	91324
91325	91326	91331	91335	91340	91342	91343	91344
91345	91352	91356	91364	91367	91401	91402	91403
91405	91406	91411	91423	91436	91501	91502	91504
91505	91506	91601	91602	91604	91605	91606	91607
91608	91702	91706	91711	91722	91723	91724	91731
91732	91733	91740	91744	91745	91746	91748	91750
91754	91765	91766	91767	91768	91770	91773	91775
91776	91780	91789	91790	91791	91792	91801	91803

San Diego County

92001	92002	92007	92008	92010	92011	92014	92020
92021	92024	92032	92035	92037	92040	92041	92045
92050	92064	92071	92073	92075	92077	92101	92102
92103	92104	92105	92106	92107	92108	92109	92110
92111	92113	92114	92115	92116	92117	92118	92119
92120	92121	92122	92123	92124	92125	92126	92127
92128	92129	92130	92131	92132	92133	92134	92135
92137	92139	92140	92145	92154	92155	92162	

Riverside County

91720	91752	91760	92330	92370	92501	92503	92504
92505	92506	92507	92508	92509			

San Bernardino County

91701	91710	91730	91743	91761	91762	91783	91784
91786							
Palm Springs Area (Riverside County)							
92201	92220	92230	92234	92240	92260	92262	92270
92276	92282	92349	92361				

Date of qualification: January 26, 1979.

2. Health Central (Staff Model, see Section 1310(b)(1) of the Public Health Service Act), 17th & N Street, Lincoln, Nebraska 68508. Service area: Lancaster County, Nebraska. Date of qualification: January 29, 1979.

3. MetroCare (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 1201 N. Watson Road, Arlington, Texas 76011. Service area: All of Tarrant County and the City of Grant Prairie in Dallas County. Date of qualification: January 30, 1979.

Revised service area

Maxicare of Hawthorne, California (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 4455 West 117th Street, Suite 502, Hawthorne, California 90250. Service area: The zip codes included in this area were as follows:

Change from: (The service area of the following HMO was last published on April 7, 1978, in the FEDERAL REGISTER (43 FR 14908-13).)

South Bay and Southwest portion of the Los Angeles metropolitan area including the following zip codes:

90001	90002	90003	90005	90006	90007	90008
90011	90013	90014	90015	90016	90017	90018
90019	90024	90025	90026	90034	90035	90037
90043	90044	90045	90047	90049	90056	90057
90058	90059	90061	90062	90064	90066	90067
90071	90210	90211	90212	90220	90221	90222
90230	90241	90242	90245	90247	90248	90249
90250	90254	90255	90260	90262	90266	90272
90274	90277	90278	90280	90290	90291	90301
90302	90303	90304	90305	90401	90402	90403
90404	90405	90501	90502	90503	90504	90505
90706	90710	90712	90713	90715	90716	90717
90723	90731	90732	90744	90745	90746	90747
90802	90803	90804	90805	90806	90807	90808
90810	90813	90814	90815	90840	91020	91040
91042	91201	91202	91203	91204	91205	91206
91207	91208	91214	91301	91302	91303	91304
91306	91307	91311	91316	91324	91325	91326
91331	91335	91340	91342	91343	91344	91345
91352	91356	91364	91367	91401	91402	91403
91405	91406	91411	91423	91436	91501	91502
91504	91505	91506	91601	91602	91604	91605
91606	91607	91608	93063	93065		

Change to:

The zip codes included in the area are as follows:

90001	90002	90003	90005	90006	90007	90008
90011	90013	90014	90015	90016	90017	90018
90019	90024	90025	90026	90034	90035	90037
90043	90044	90045	90047	90049	90056	90057
90058	90059	90061	90062	90064	90066	90067
90071	90201*	90210	90211	90212	90220	90221
90222	90230	90240*	90241	90242	90245	90247
90248	90249	90250	90254	90255	90260	90262
90266	90270*	90272	90274	90277	90278	90280
90290	90291	90301	90302	90303	90304	90305
90401	90402	90403	90404	90405	90501	90502
90503	90504	90505	90601*	90602*	90603*	90604*
90605*	90606*	90620*	90621*	90623*	90630*	90631*
90638*	90640*	90650*	90660*	90670*	90680*	90701*
90706	90710	90712	90713	90715	90716	90717
90720*	90723	90731	90732	90740*	90742*	90743*
90744	90745	90746	90747	90802	90803	90804
90805	90806	90807	90808	90810	90813	90814
90815	90740	91020	91040	91042	91201	91202
91293	91204	91205	91206	91207	91208	91214
91301	91302	91303	91304	91306	91307	91311
91316	91324	91325	91326	91331	91335	91340
91342	91343	91344	91345	91352	91256	91364
91367	91401	91402	91403	91405	91406	91411
91423	91436	91501	91502	91504	91505	91506
91601	91602	91604	91605	91606	91607	91623
91706*	91722*	91723*	91724*	91731*	91732*	91733*
91744*	91745*	91746*	91748*	91765*	91766*	91767*
91768*	91770*	91780*	91789*	91790*	91791*	91792*
92621*	92626*	92627*	92631*	92632*	92633*	92635*
92640*	92641*	92644*	92645*	92646*	92647*	92648*
92648*	92649*	92655*	92656*	92666*	92667*	92668*
92669*	92670*	92680*	92683*	92686*	92701*	92703*
92704*	92705*	92706*	92707*	92708*	92710*	92801*
92802*	92804*	92805*	93063	93065		

* Added zip codes—revised service area effective January 16, 1979.

Date of qualification: Operationally qualified—March 25, 1976.

2. Matthew Thornton Health Plan, Inc. (Staff Model, see Section 1310(b)(1) of the Public Health Service Act), 531 West Hollis Street, Nashua, New Hampshire 03060. Service area: The communities included in the area were as follows:

Change from: (The service area of the following HMO was last published on October 25, 1978, in the FEDERAL REGISTER (43 FR 49854-6).)

Communities of: Amherst, Brookline, Hollis, Hudson, Litchfield, Londonderry, Lyndeboro, Mason, Merrimack, Milford, Mont Vernon, Nashua, Pelham, Wilton, and Windham, New Hampshire.

Change to:

The communities included in the area are as follows:

Communities of: Amherst, Brookline, Dunstable*, Groton* Hollis, Hudson, Litchfield, Londonderry, Lyndeboro, Mason, Merrimack, Milford, Mont Vernon, Nashua, Pelham, Pepperell*, Townsend*, Tyngsboro*, Wilton, and Windham, New Hampshire.

Date of qualification: Operationally qualified—August 15, 1978.

* Added communities.

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, except for Federal holidays, in the Office of Health Maintenance Organization, Office of the Assistant Secretary for Health, Department of Health, Education, and Welfare, Park Building, 3rd Floor, Rockville, Maryland 20857.

Questions about the review process or requests for information about qualified HMOs should be sent to the same office.

Dated: April 16, 1979.

Howard R. Veit,
Director

Office of Health Maintenance Organizations.

[FR Doc. 79-12660 Filed 4-23-79; 8:45 am]

BILLING CODE 4110-8-M

Office of the Assistant Secretary for Health

Micro Data Tape Users Conference

The Assistant Secretary for Health announces the dates and other information for the following conference scheduled to assemble during the month of May 1979:

Name: Micro Data Tape Users Conference.
Date and Time: May 22-23, 1979, 9 a.m.
Place: Sheraton Inn Washington-Northwest, 8727 Colesville Road, Silver Spring, Maryland 20910.

Open to the Public (Registration required).

Purpose: To provide an opportunity for users of the National Center for Health Statistics (NCHS) data tapes to meet with appropriate NCHS technical staff and provide a forum for the exchange of information and ideas concerning the uses and applications of NCHS public use tapes. In this two-day setting many users' problems can be handled and common concerns dealt with uniformly and efficiently. The ability to provide technical assistance and guidance to many data users in one setting and in one situation is an effective and efficient use of NCHS expertise. In addition, the Conference will be the first opportunity NCHS data tape users will have had to exchange ideas with one another, to work together to solve technical and substantive problems, and to provide feedback to NCHS staff to make the data tape program more useful and responsive to users' needs.

Anyone wishing to obtain an agenda, registration information or other relevant information concerning the Conference should contact: Conference Management Branch, National Center for Health Statistics, Room 2-12, Center Building, 3700 East West Highway, Hyattsville, Maryland 20782, telephone (301) 436-7122.

Dated: April 13, 1979.

Wayne C. Richey, Jr.,

Associate Director for Management, Office of Health Policy, Research, and Statistics.

[FR Doc. 79-12565 Filed 4-23-79; 8:45 am]

BILLING CODE 4110-85-M

Health Resources Administration

Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of May 1979:

Name: Graduate Medical Education National Advisory Committee

Date and Time: May 10-11 1979, 8:30 a.m.

Place: Room 727A, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. Open for entire meeting.

Purpose: The Graduate Medical Education National Advisory Committee is responsible for advising and making recommendations with respect to: (1) present and future supply and requirements of physicians by specialty and geographic location; (2) ranges and types of numbers of graduate training opportunities needed to approach a more desirable distribution of physician services; and (3) the impact of various activities which influence specialty distribution and the availability of training opportunities including systems of reimbursement and the financing of graduate medical education.

Agenda: A review of the progress in the areas of financing nonphysician health care and modeling; and overview of new charges in the areas of education environment and geographic distribution; a review of the recent interest expressed by California, New York, and Rhode Island State Health Planning Agencies on GMENAC related items; and a discussion of anticipated GMENAC work responsibilities May 1979 through April 1980.

Due to limited seating, attendance by the public will be provided on a first-come, first-serve basis.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Robert Graham, M.D., Office of the Administrator, Room 10-37, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436-6430.

Agenda items are subject to change as priorities dictate.

Dated: April 17, 1979.

James A. Walsh,

Associate Administrator for Operations and Management.

[FR Doc. 79-12779 Filed 4-23-79; 8:45 am]

BILLING CODE 4110-83-M

Advisory Council and Subcommittee; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory bodies scheduled to meet during the month of May 1979:

Name: National Guidelines, Goals, Priorities, and Standards Subcommittee of the National Council on Health Planning and Development

Date and Time: May 10, 1979, 10:00 a.m.—12:00 Noon.

Place: Hubert H. Humphrey Building, Conference Rooms 503A-507A, 200 Independence Avenue, S.W., Washington, D.C. 20201. Open for entire meeting.

Purpose: The objectives of the National Guidelines, Goals, Priorities, and Standards Subcommittee are to study the experience nationwide in the public and private sectors with the adoption and/or adjustment of the National Guidelines for Health Planning and their impact and recommend changes as appropriate; study the experience of the Health Systems Agencies and State Health Planning and Development Agencies nationwide in implementation of high priority goals and sub-goals and their impact; advise the Council in identifying additional high priority goals and sub-goals; investigate and coordinate information on demonstrations underway by provider, reimbursement, regulatory, labor, industry, and community groups on sub-goals, such as those on alcoholism and prevention; study, investigate and identify research needs appropriate to the formulation, adjustment and refinement of the National Guidelines, and study and develop improved indicators to assess the impact of the Guidelines or the need for revisions; and recommend to the Council on the need for further development and/or revision of the National Guidelines.

Agenda: Review progress on achievement of subcommittee work plan; plan next implementation steps; and determine recommendations for council to discuss on May 11.

Name: Implementation and Administration Subcommittee of the National Council on Health Planning and Development.

Date and Time: May 10, 1979, 4:00 p.m.—6:00 p.m.

Place: Hubert H. Humphrey Building, Conference Rooms 503A-507A, 200 Independence Ave, S.W., Washington, D.C. 20201. Open for entire meeting.

Purpose: The objective of the Implementation and Administration Subcommittee is to study and make recommendations on the implementation and administration of Titles XV and XVI of the Public Health Service Act. Specific areas for the Subcommittee's consideration are (1) the impact of HEW's implementation/administration on the effectiveness of Health Systems Agencies and State Health Planning and Development Agencies; (2) the effectiveness of the interrelationships between health planning agencies and HEW, Central and Regional Offices; (3) the timing and strategy of implementation and of the dissemination and distribution of regulatory and technical material; (4) how to better meet the needs of HSAs and SHPDAs; and (5) the review of the Council's responsibilities under section 1122 of the Social Security Act.

Agenda: Review progress on achievement of subcommittee work plan; plan next implementation steps; and determine recommendation for Council to discuss on May 11.

Name: Technology and Productivity Subcommittee of the National Council on Health Planning and Development.

Date and Time: May 10, 1979, 7:00 p.m.—9:00 p.m.

Place: Hyatt Regency Hotel, Lexington Room, 400-New Jersey Avenue, N.W., Washington, D.C. 20001. Open for entire meeting.

Purpose: The objective of the Technology and Productivity Subcommittee is to advise the full Council on matters related to the productivity of the health care delivery system and to the implications of new medical technology for the organization, delivery and equitable distribution of health care services. "Technology" includes the drugs, devices and medical and surgical procedures used in medical care and the organizational and supportive systems within which such care is delivered. "Productivity" is the efficiency with which health care is delivered.

The Subcommittee is to deliberate and to make recommendations to the full Council on matters chosen from among those brought to it by Council members, HEW staff and advisory committees, other Federal departments, congressional committees and staff, provider groups and the public at large. The Subcommittee in addition will study and investigate the current needs for assistance of HSAs and SHPDAs in the area of evaluating productivity improvement and new medical technology, help transmit concerns of HSAs and SHPDAs to appropriate Federal agencies, and review the current resources both within the Federal Government and among the educational, research and other developmental agencies for providing needed assistance to HSAs and SHPDAs. In addition, it will review technology assessment

activities within the Department in order to assure they are relevant to the needs of the HSAs and are useful in the development and implementation of national standards, goals, and guidelines, and for the establishment of priorities with those goals.

Agenda: Review progress on achievement of subcommittee work plan; plan next implementation steps; and determine recommendations for Council to discuss on May 11.

Name: National Council on Health Planning and Development.

Date and Time: May 11, 1979, 8:45 a.m.—4:00 p.m.

Place: Main Auditorium, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. Open for entire meeting.

Purpose: The National Council on Health Planning and Development is responsible for advising and making recommendations with respect to (1) the development of national guidelines under section 1501 of Public Law 93-641, (2) the implementation and administration of Title XV and XVI of Public Law 93-641, and (3) an evaluation of the implications of new medical technology for the organization, delivery and equitable distribution of health care services. In addition, the Council advises and assists the Secretary in the preparation of general regulations to carry out the purposes of section 1122 of the Social Security Act and on policy matters arising out of the implementation of it, including the coordination of activities under that section with those under other parts of the Social Security Act or under other Federal or federally assisted health programs. The Council considers and advises the Secretary on proposals submitted by the Secretary under the provisions of section 1122(d)(2) that health care facilities or health maintenance organizations be reimbursed for expenses related to capital expenditures notwithstanding that under section 1122(d)(1) there would otherwise be exclusion of reimbursement for such expenses.

Agenda: Follow-up discussions on anti-trust, conversion/closure, and consumer participation issues related to health planning and development; presentations on status of legislation and full designation of State Health Planning and Development Agencies; consideration of subcommittee recommendations, as developed in May 10 subcommittee meetings.

Anyone requiring information regarding the subject Council should contact Mrs. S. Judy Silsbee, Executive Secretary, National Council on Health Planning and Development, Room 10-27, Center Building, 3700 East-West Highway, Hyattsville, Maryland, 20782. Telephone (301) 436-7175.

Agenda items are subject to change as priorities dictate.

Dated: April 17, 1979.

James A. Walsh,

Associate Administrator for Operations and Management.

[FR Doc. 79-12780 Filed 4-23-79; 8:45 am]

BILLING CODE 4110-83-M

Sunshine Act Meetings

Federal Register

Vol. 44, No. 80

Tuesday, April 24, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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	Items
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Securities and Exchange Commission	10

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., April 27 1979.

PLACE: 2033 K Street, N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-777-79 Filed 4-20-79; 10:55 am]

BILLING CODE: 6351-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, April 25, 1979.

PLACE: Room 856, 1919 M Street, N.W., Washington, D.C.

STATUS: Special Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item Number, and Subject—Cable Television

1. Report on Inquiry into the Economic Relationship Between Television Broadcasting and Cable Television, Docket No. 21284

2. Report on the Inquiry into the Cable Television Syndicated Program Exclusivity Rules, Docket No. 20988.

3. Notice of Proposed Rule Making In The Matter of Cable Television Syndicated Program Exclusivity Rules and Inquiry into the Economic Relationship Between

Television Broadcasting and Cable Television, Docket Nos. 20988 and 21284.

Additional information concerning this meeting may be obtained from the FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: April 18, 1979.

[S-775-79 Filed 4-20-79; 9:49 am]

BILLING CODE 6712-01-M

3

FEDERAL ELECTION COMMISSION.

"FEDERAL REGISTER" No. FR-S-771.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, April 26, 1979, at 10 a.m.

CHANGE IN MEETING: The following item has been added to the open portion of the meeting: Proposed responses to Senate Rules.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred S. Eiland, Public Information Officer, 202-523-4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S-778-79 Filed 4-20-79; 10:14 am]

BILLING CODE 6715-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION.

April 20, 1979.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act, 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: 2 p.m., April 25, 1979.

PLACE: 825 North Capitol Street, N.E., Washington, D.C. 20426, hearing room A.

STATUS: Open.

MATTERS TO BE CONSIDERED: Staff Briefing of the Commission on Section 133 of the Public Utility Regulatory Policies Act of 1978 (Docket No. RM79-6, Procedures Governing the Collection and Reporting of Information Associated with the Cost of Providing Electric Service).

CONTACT PERSON FOR FURTHER INFORMATION:

Lois D. Cashell, Acting Secretary (202)-275-4166.

[S-780-79 Filed 4-20-79; 2:02 pm]

BILLING CODE 6740-02-M

5

FEDERAL HOME LOAN MORTGAGE CORPORATION.

TIME AND DATE: At the conclusion of the closed meeting to be held at 9:30 a.m., April 27, 1979.

PLACE: 1700 G Street, N.W., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Henry Judy (202-789-4734).

MATTERS TO BE CONSIDERED:

Consideration of Amendment to Bylaws.
Consideration of Amendment to Eligibility Requirements for Private Mortgage Insurers.
Consideration of Request for Waiver of Eligibility Requirements for Private Mortgage Insurers—CCMI.

No. 232, April 20, 1979.

J. J. Finn,

Secretary.

[S-783-79 Filed 4-20-79; 3:03 pm]

BILLING CODE 6720-02-M

6

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 11 a.m., Friday, April 27 1979.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board (202) 432-3284.

Date: April 19, 1979.

Theodore E. Allison,

Secretary of the Board.

[S-774-79 Filed 4-20-79; 9:49 am]

BILLING CODE 6210-01-M

7

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH.

National Council on Educational Research hereby gives notice that it has tentatively scheduled meetings to be held in Washington, D.C., on the following dates:

September 14, 1979.
November 30, 1979.
January 10-11, 1980.

Agendas for these meetings and any changes in the meeting dates or location will be published in the Federal Register as promptly as possible.

PERSON TO CONTACT FOR INFORMATION:

Ella L. Jones, Administrative
Coordinator, Telephone: 202-254-7900.

Peter H. Gerber,

*Chief, Policy & Administrative Coordination, National
Council on Educational Research.*

[S-781-79 Filed 4-20-79; 2:16 pm]

BILLING CODE 4110-39-M

8

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Friday, April 20, 1979.

PLACE: Commissioners conference room,
1717 H Street, N.W., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED: Friday,
April 20 (changes): 9:30 a.m.—

1. Briefing on Procedures for Qualifying
Reactor Operators (approximately 1½ hours)
(public meeting).

2. Discussion of Personnel Matter
(postponed from April 18) (approximately 1
hour) (closed—Exemption 6).

Note.—The "Staff Briefing on Five-Plant
Shutdown (Seismic Design)," a Public
Meeting tentatively scheduled for 9:30 a.m.,
April 20, is postponed.

ADDITIONAL INFORMATION: The meeting
"Discussion of meeting with ACRS"
previously announced for April 18 was
cancelled.

**CONTACT PERSON FOR MORE
INFORMATION:**

Walter Magee, (202) 634-1410.

Dated: April 19, 1979.

Walter Magee,

Office of the Secretary

[S-778-79 Filed 4-20-79; 8:45 am]

BILLING CODE 7590-01-M

9

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Wednesday, April 25,
1979 (revised) and Thursday, April 26.

PLACE: Commissioners Conference
Room, 1717 H Street, N.W., Washington,
D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

Wednesday, April 25 (revised)

9:30 a.m. Discussion of Legislative Matters
(Incl. Regulatory Reform and Siting &
Licensing) (approx 2 hours) (public meeting).

1:30 p.m. (1) Interim Briefing by Study
Group on Construction During Review
(Postponed from April 18, 1979)
(approximately 1 hour) (public meeting). (2)

Staff Briefing on Five-Plant Shutdown
(Seismic Design) (Postponed from April 20)
(approximately 1½ hours) (public meeting)
(Replaces "Discussion of Personnel Matter"
which is cancelled).

Thursday, April 26

9:30 a.m. Staff Briefing on Emergency
Planning (approximately 2 hours) (public
meeting).

1:30 p.m. (1) Briefing on Resident Inspector
Program (approximately 1 hour) (public
meeting). (2) Affirmation Session
(approximately 10 minutes) (public meeting).

- a. OGC Memo on S-3, dated 3/29.
- b. Appt of Part-Time Member of ASLBP.
- c. Kewaunee Show Cause Order.
- d. Appt of H. Grossman to ASLBP.
- e. Motion in Shearon Harris Proceeding
(tentative).
- f. Kranish FOIA Appeal 78-A-20.

Discussion of Petition for Institution of
Proceedings Regarding Proposal to Use
Shorter Pilings for the Foundation of the
Bailly Generating Facility, Nuclear-1
(continued from March 27, 1979)
(approximately 1½ hours) (closed—
exemption-10).

**CONTACT PERSON FOR MORE
INFORMATION:**

Walter Magee 202-634-1410.

Dated: April 19, 1979.

Walter Magee,

Office of the Secretary.

[S-779-79 Filed 4-20-79; 11:00 am]

BILLING CODE 7590-01-M

10

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF
PREVIOUS ANNOUNCEMENT: (To be
published).

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol
Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: April 11,
1979.

CHANGES IN MEETING: Additional items.
The following additional item was
considered at a closed meeting held on
Wednesday, April 18, 1979, at 10 am.
Litigation matter.

Chairman Williams and
Commissioners Loomis, Evans, Pollack
and Karmel determined that
Commission business required the
above change and that no earlier notice
thereof was possible.

April 20, 1979.

[S-782-79 Filed 4-20-79; 3:04 pm]

BILLING CODE 8010-01-M

11

**NATIONAL NEIGHBORHOOD
REINVESTMENT CORPORATION.**

[Note.—This notice was originally
published in error in the regular "Notices"

section of the Federal Register issue of
Monday, April 23, 1979, at page 23949.]

Time and Date: 2:00 p.m., April 25, 1979.

Place: Board Room, Sixth Floor, 1700 G
Street, N.W., Washington, D.C.

Status: Open Meeting. Board of Directors.

Contact Person for More Information: Myra
Peabody, 202-377-6392.

Agenda: Call to Order and Remarks of the
Chairman. Approval of Minutes—January
24, 1979 Meeting. Approval of Minutes—
March 15, 1979 Meeting. Audit Committee
Report. Amendment to Banking
Resolutions. Treasurer's Report. Executive
Director's Report. Freedom of Information
Procedures. Sunshine Act Procedures.
Other Business.

No. 4, April 18, 1979.

Donnie L. Bryant,

Secretary.

[S-790-79 Filed 4-23-79; 11:49 am]

BILLING CODE 1505-01-M

Tuesday
April 24, 1979

Part II

**Department of the
Interior**

Fish and Wildlife Service

**Determination that *Rhododendron
chapmanii* is an Endangered Species**

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Determination that *Rhododendron chapmanii* is an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines *Rhododendron chapmanii* (Chapman rhododendron), a native plant of Florida, to be an Endangered species. Timbering operations and subsequent site preparation techniques have led to degradation and potential loss of this species' restricted habitat. In addition, the species has been exploited commercially (for horticulture) to an extent that has caused a decline in its natural population. This action will provide protection provided by the 1973 Endangered Species Act as amended in 1978.

DATE: This rulemaking becomes effective on May 23, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Harold J. O'Connor, Acting Associate Director—Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 202/343-4646.

SUPPLEMENTARY INFORMATION:**Background**

The Secretary of the Smithsonian Institution, in response to Section 12 of the Act, presented his report to Congress on January 9, 1975. This report, designated as House Document No. 94-51, contained lists of over 3,100 U.S. vascular plant taxa considered to be endangered, threatened, or extinct. On July 1, 1975, the Director published a notice in the Federal Register (40 FR 27823-27924) of his acceptance of the report of the Smithsonian Institution as a petition to list these species under Section 4(c)(2) of the Act, and of his intention thereby to review the status of the plant taxa named within as well as any habitat which might be determined to be critical.

On June 16, 1976, the Service published a proposed rulemaking in the Federal Register (41 FR 24523-24572) to determine approximately 1,700 vascular plant species to be Endangered species pursuant to Section 4 of the Act. This list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House

Document No. 94-51 and the above mentioned Federal Register publication.

Rhododendron chapmanii was included in both the July 1, 1975, notice of review and the June 16, 1976, proposal. The notice of review included the taxon as *Rhododendron chapmanii*, a full species. In the proposal the taxon was referred to as *Rhododendron minus* var. *chapmanii*, following a 1962 study which reduced it to infraspecific rank. A consensus of more recent biological opinion recognizes the Florida plant as a distinct species. Therefore, the plant is being listed as *Rhododendron chapmanii*.

In the June 24, 1977, Federal Register (42 FR 32373-32381, to be codified at 50 CFR), the Service published a final rulemaking detailing the regulations to protect Endangered and Threatened plant species. The rules establish prohibitions and a permit procedure to grant exceptions to the prohibitions under certain circumstances.

Summary of Comments and Recommendations

Section 4(b)(1)(C) of the Act requires that a summary of all comments and recommendations received be published in the Federal Register prior to adding any species to the List of Endangered and Threatened Wildlife and Plants.

Hundreds of comments on the general proposal of June 16, 1976 were received from individuals, conservation organizations, botanical groups, and business and professional organizations. Few of these comments were specific in nature in that they did not address individual plant species. Most comments addressed the program or the concept of Endangered and Threatened plants and their protection and regulation. These comments are summarized in the April 26, 1978, Federal Register publication which also determined 13 plant species to be Endangered or Threatened species (43 FR 17909-17916). A summary of the comments pertaining specifically to *Rhododendron chapmanii* are discussed in the following paragraph. Although the Governor of Florida was notified of the contemplated action pursuant to section 4(b)(1)(A) of the Act, he submitted no comments on the proposed action.

Four comments were received concerning *Rhododendron chapmanii*. One professional botanist noted the species' limited distribution and the threat from commercial exploitation. Three comments, one from an Army Corps of Engineers resource manager, one from a Service biologist, and one from a private citizen, provided information concerning the species'

distribution and rarity. The resource manager also noted the threat from site preparation techniques used in establishing pine plantations.

Conclusion

After a thorough review and consideration of all the information available, the Director has determined that *Rhododendron chapmanii* Gray (Chapman rhododendron) is in danger of becoming extinct throughout all or a significant portion of its range due to one or more of the factors described in Section 4(a) of the Act.

These factors and their application to *Rhododendron chapmanii* are as follows:

(1) *The present or threatened destruction, modification, or curtailment of its habitat or range.* Historically, this species occurred in scattered localities in open pinelands of Gulf, Franklin, Liberty, Gadsden, Leon, and Clay Counties, Florida. Logging and drastic site preparation techniques for developing pine plantations have resulted in the loss of habitat for this species and a reduction in its range to only three remaining known locations. The three extant populations include one in Clay County which is owned by a Florida National Guard installation, one in Gulf County and one located on the Gadsden-Liberty County line, both of which are owned by a paper company. The two privately owned sites contain the vast majority of the known plants, since probably fewer than 50 plants are known from the Clay County site. The Gadsden-Liberty Counties population has already been reduced in size due to logging activities. The paper company which owns the site stated that they did leave one area specifically because the *Rhododendron* was present. One observer also noted large numbers of the species which had been pushed up into wind rows, where an area was being prepared for planting pines. Habitat destruction, especially on the privately owned sites, may continue to result from the various mechanical site preparation techniques and from drainage of the species' habitat to increase pine production, further jeopardizing the continued existence of this species.

(2) *Overutilization for commercial, sporting, scientific, or educational purposes.* The aesthetic qualities of this species make it an appealing horticultural plant. Entire plants are collected by nurserymen and amateur gardeners. One botanist noted this as being a major threat to entire populations and noted that once a

population is discovered all the plants are often removed.

(3) *Disease or predation* (including grazing). Not applicable to this species.

(4) *The inadequacy of existing regulatory mechanisms*. This species is afforded protection under Florida Law, Florida Statutes, Section 865-06, which includes limited prohibitions concerning taking, transporting, and the selling of plants listed under the Florida law. The Endangered Species Act would offer additional protection for the species as described below.

(5) *Other natural or manmade factors affecting its continued existence*. Since this species seems to do better where the overstory is kept open, succession of the community in which it occurs may threaten its continued survival. Periodic controlled burning or overstory thinning may be advantageous. The plant appears to sprout profusely following a burn.

Effect of the Rulemaking

Section 7(a) of the Act as amended in 1978 provides:

"The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act. Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an 'agency action') does not jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of section 7 of the Endangered Species Act Amendments of 1978."

Provisions for Interagency Cooperation were published on January 4, 1978, in the Federal Register (43 FR 870-876) and codified at 50 CFR Part 402. These regulations are intended to assist Federal agencies in complying with Section 7(a) of the Act. This rulemaking requires federal agencies to satisfy these statutory and regulatory obligations with respect to this species.

Endangered species regulations already published in title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered or Threatened species. The regulations

referred to above, which pertain to plant species, are found at Sections 17.61 and 17.71 of Title 50 and are summarized below.

All provisions of Section 9(a)(2) of the Act, as implemented by Section 17.61 (42 FR 32373-32381) would apply. These prohibitions, in part, make it illegal for any person subject to the jurisdictions of the United States to import or export, or to deliver, receive, carry, transport or ship in interstate or foreign commerce in the course of a commercial activity, or to sell or offer for sale in interstate or foreign commerce this plant. Certain exceptions would apply to agents of the Service and State conservation agencies.

Regulations published in the Federal Register of June 24, 1977 (42 FR 32373-32381), to be codified in 50 CFR Part 17 provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened species under certain circumstances. Such permits involving Endangered plants are available for scientific purposes or for enhancing the propagation or survival of the species.

Effect Internationally

In addition to the protection provided by the Act, the Service will review the status of this species to determine whether it should be proposed to the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora for placement upon the appropriate Appendices to that Convention and whether it should be considered under other appropriate international agreements.

National Environmental Policy Act

An environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. The assessment is the basis for a decision that this determination is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

Endangered Species Act Amendments of 1978

The Endangered Species Act Amendments of 1978 specify that the following be added at the end of subsection 4(a)(1) of the Endangered Species Act of 1973:

"At the time any such regulation (any proposal to determine a species to be an Endangered or Threatened species) is proposed, the Secretary shall by regulation,

to the maximum extent prudent, specify any habitat of such species which is then considered to be critical habitat."

Rhododendron chapmanii is threatened by taking, an activity not prohibited by the Endangered Species Act of 1973. Publication of critical habitat maps would make this species more vulnerable and therefore it would not be prudent to determine critical habitat.

The Endangered Species Act Amendments of 1978 further state the following:

"(B) In the case of any regulation proposed by the Secretary to carry out the purposes of this section with respect to the determination and listing of endangered or threatened species and their critical habitats in any State (other than regulations to implement the Convention), the Secretary—

"(i) shall publish general notice of the proposed regulation (including the complete text of the regulation), not less than 60 days before the effective date of the regulation—

"(I) in the Federal Register, and

"(II) if the proposed regulation specifies any critical habitat, in a newspaper of general circulation within or adjacent to such habitat;

"(ii) shall offer for publication in appropriate scientific journals the substance of the Federal Register notice referred to in clause (i) (I);

"(iii) shall give actual notice of the proposed regulation (including the complete text of the regulation), and any environmental assessment or environmental impact statement prepared on the proposed regulation, not less than 60 days before the effective date of the regulation to all general local governments located within or adjacent to the proposed critical habitat, if any; and

"(iv) shall—

"(I) if the proposed regulation does not specify any critical habitat, promptly hold a public meeting on the proposed regulation within or adjacent to the area in which the endangered or threatened species is located, if request therefore is filed with the Secretary by any person within 45 days after the date of publication of general notice under clause (i)(I), and

"(II) if the proposed regulation specifies any critical habitat, promptly hold a public meeting on the proposed regulation within the area in which such habitat is located in each State, and, if requested, hold a public hearing in each State."

In the case of *Rhododendron chapmanii*, all of these requirements have been complied with. *Rhododendron chapmanii* was proposed on June 16, 1976, in the Federal Register more than 60 days prior to this final rulemaking. A public meeting on this proposal was held in Washington, D.C. on August 4, 1976. Since critical habitat is not being determined for this species, none of the other amended subsections are applicable. Accordingly, the Service

is proceeding at this time with a final rulemaking to determine this species as Endangered pursuant to the Endangered Species Act of 1973.

The primary author of this rule is Ms. E. LaVerne Smith, Washington Office of Endangered Species (703/235-1975). Dr. Wayne Milstead (also of the Office of Endangered Species), compiled the status report for this species.

Regulation Promulgation

Accordingly, § 17.12 of Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as follows:

1. Section 17.12 is amended by adding, in alphabetical order by family, genus, species, the following plant:

§ 17.12 Endangered and Threatened plants.

Species		Known distribution	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Ericaceae, Heath Family:						
<i>Rhododendron chapmanii</i>	Chapman rhododendron	U.S.A. (Florida)	E	N/A	N/A	N/A

Note.—The Department has determined that this is not a significant rule and does not require the preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Dated: April 14, 1979.

Lynn A. Groenewalt,

Director,

Fish and Wildlife Service.

[FR Doc. 79-12560 Filed 4-23-79; 8:45 am]

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Tuesday
April 24, 1979

Part III

Department of Labor

**Occupational Safety and Health
Administration**

**Servicing Multi-Piece Rim Wheels;
Proposed Rulemaking**

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

Servicing Multi-Piece Rim Wheels

AGENCY: Occupational Safety and Health Administration, U.S. Department of Labor.

ACTION: Proposed standard.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is proposing a new standard, 29 CFR § 1910.177, for the servicing of multi-piece rim wheels fitted on vehicles used on and off highways.

The proposed standard will regulate servicing of multi-piece wheels, thereby reducing the number of fatal and serious injuries to employees. These wheels consist of two or more detachable rim components and tube-type tires sixteen inches or larger in diameter which are used on motor vehicles, such as trucks, trailers, buses and mobile homes, for either on-highway or off-highway usage. The major hazard is that of an employee being struck by a wheel component which has been thrown from an inflated wheel during an unintended explosive separation.

This proposal includes requirements for training of all tire servicing employees, establishment of a safe practice procedure for servicing multi-piece rim wheels, mandatory use of restraining devices and criteria for interchangeability of rim components.

DATES: Written comments on these proposed rules must be postmarked by July 6, 1979. A public meeting will be held on June 19, 1979. Persons wishing to speak at the meeting should notify OSHA by June 12, 1979. Requests for a hearing must be received by July 6, 1979.

ADDRESS: Comments, notifications and hearing requests shall be sent to: Docket Officer, Docket No. S-005, Room S-6212, U.S. Department of Labor, Washington, D.C. 20210, (202) 523-7894.

To assist interested persons in submitting their written comments and data, OSHA is scheduling a public meeting during the comment period. The meeting will be held on Tuesday, June 19, 1979, in Room S-4215 A, B and C, Department of Labor, 200 Constitution Avenue, N.W., in Washington, D.C. It will begin at 9:00 a.m., will recess from 12 noon to 1 p.m., and will continue until 5 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. John J. Klocko, Jr., Project Officer,

Occupational Safety and Health Administration, Room N-3506, U.S. Department of Labor, Washington, D.C. 20210, Telephone: (202) 523-7213.

I. Background

A. Introduction

OSHA concern for developing a standard with appropriate requirements for the safety of employees engaged in servicing multi-piece rim wheels was initiated by an internal report of "Hazards Not Covered by a Standard" from OSHA field personnel at the Louisville, Kentucky office. This was followed by a second similar report from OSHA field personnel in Columbus, Ohio.

Since the review of these reports, OSHA has monitored reports of accidents and injuries related to multi-piece rim wheels. The May 1974 issue of "Learn and Live," a monthly publication of the Industrial Safety Division of the Florida Department of Commerce, reported that the fatality toll in Florida from servicing multi-piece rims had risen to 11 over a period of ten and one half years and by the end of 1978, the toll had risen to 15.

Petitions for the promulgation of a standard relating to the servicing of multi-piece rim wheels were submitted to OSHA in 1976 by the Rubber Manufacturers Association (RMA) and the Firestone Tire and Rubber Company. The National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation (DOT) supports the promulgation of such a standard and has by-written request urged OSHA to regulate the servicing of multi-piece wheels in the workplace.

B. Multi-piece Rims

Multi-piece rims are used in conjunction with tube-type tires with rim diameters of sixteen inches or greater. Trucks, tractors, buses, trailers, campers and off-highway vehicles utilize multi-piece rims when outfitted with tube-type tires. Multi-piece rims range from two or three piece assemblies used by trucks, buses and trailers, to five and six piece assemblies for large off-the-highway vehicles.

A multi-piece rim consists of a rim base, the largest part of the metal structure supporting the tire, and one or more detachable side rings serving as a flange to keep an inflated tire on the rim base. A rim base, side ring, lock ring, and tire are collectively referred to as a "wheel." For multi-piece rims, side rings are the prime components which support the tire's bead. This is referred to as a split side ring in two piece assemblies

and a solid side ring and split lock ring in three piece assemblies. In the case of two piece-circumferentially continuous components, the outer small component is termed a "side ring." (See Society of Automotive Engineers SAE J393 which defines rim terminology.)

There are basically four multi-piece wheel designs. In the first design (exemplified by Goodyear's "KW" type rim) the rim base is split radically and the side ring is circumferentially continuous. In the second design (exemplified by Firestone's, Kelsey's and Budd's "RH5" and "KL" rims) both the wheel and the side ring are circumferentially continuous. The third type rim (exemplified by Goodyear's "LW" type rim) is a two piece assembly composed of a demountable rim base and a split side ring or a wheel and a split side ring. The fourth design in the larger sizes (exemplified by Firestone's commander 5" rim) is a three piece assembly composed of a wheel and a side and lock ring.

C. Hazards

Although accidents may occur at any time when handling multi-piece rims, the primary danger involves the process of inflating the tire. If the rim's components are not assembled properly, the force that results from the inflation can cause the rim to blow out from the tire and possibly strike an unprotected employee, inflicting serious injury.

An inflated tire is a high pressure vessel, e.g., a popular size 10.00 x 20 tire when inflated at 105 psi creates a force in excess of 40,000 pounds against the rim flange. This force, according to test data provided by the Insurance Institute for Highway Safety (IIHS), accelerated a locking ring to 130 mph and raised a 215 pound anthropomorphic dummy 10 feet vertically upward from a wheel resting horizontally on the pavement.

The principal hazard with mounting, installing, storing, and handling wheels, rims, tires and their parts is present when they are assembled together and the unit is inflated to required pressure or beyond. If a component is not set or seated in its proper position in relation to the other components, the rings or removable flanges may separate violently from the assembly. Such separation may cause lock rings, rims, or other fastenings to be hurled violently through the air, with the likelihood of striking a person and causing serious injury or death. Such accidents are most likely to occur while a tire that has just been mounted on a rim is being inflated or immediately after it has been inflated.

Accidents that have caused the greatest number of injuries appear to

have been due to improper mounting, use of damaged parts, or mismatch of component parts. Accidents may also occur because of overinflating the tire or striking the lock rings or rims with a hammer.

D. Accident Data

Incidents which result in a serious or fatal injury to a mechanic engaged in servicing a multi-piece rim wheel often are only reported locally. Therefore, the data available is limited to only a portion of the total injuries and fatalities which occur. In May 1974, the Florida Department of Commerce, in its monthly publication, reported an average of one fatality each year in the State over the previous eleven years as a result of employees servicing multi-piece rim wheels.

On September 28, 1973, the NHTSA's Office of Defects Investigation (ODI Case No. 215) issued a report on its investigation of multipiece rim failures. This report covered 29 accidents due to improper assembly procedures that resulted in serious injury or a fatality, involving KB and KW type wheels. The report indicated that many of the shop personnel who worked with the multi-piece rims in question may not have been aware of all safety precautions to be followed when mounting or demounting these wheels.

On December 21, 1973, NHTSA issued a report on its investigation of RH5 wheel failures (ODI Case No. 150) that included investigation of 81 incidents which resulted in serious injury or fatality to employees engaged in servicing these wheels. This report recommended several courses of action which included discontinuance of the manufacture of this type of wheel; development and distribution of a poster illustrating the safety precautions to be used during multi-piece rim wheel assembly; and development and distribution of a matching chart showing the compatibility of parts of multi-piece rim wheels produced by different manufacturers. Both the safety precautions chart and the multipiece rim/wheel matching chart, which were developed by NHTSA after the report was issued, are collectively referred to in this proposal as the "DOT wall charts."

NHTSA is currently investigating the safety hazards and benefits associated with use of multi-piece rims. They have issued an advance notice of proposed rulemaking on March 5, 1979 (44 FR 12072) to determine whether to require certain performance levels for tire and rim component retention and whether to ban the production of multi-piece rims.

NHTSA's actions are not directed at working conditions of employees and therefore are not an exercise of statutory authority by a Federal agency which would preempt action by OSHA under § 4(b)(1) of the OSH Act. NHTSA's intent not to displace OSHA's coverage of tire-servicing personnel is articulated by that agency's recognition that numerous accidents occur because of improper servicing, coupled with NHTSA's formal request that OSHA promulgate a standard for servicing of multi-piece wheel rims in the workplace.

OSHA's Office of Management Data Systems and Statistical Coordination received information from state worker's compensation reports on ten fatal accidents involving servicing of multi-piece rim wheels which occurred during 1976 and 1977.

Data supplied by RMA which is listed in Table 3-2 of the Regulatory Assessment Statement indicates that fatalities represent 13% of all multi-piece rim accidents, injuries represent 63% and property damage and no-injury accidents represent the remaining 24% of the 165 cases reported for the years 1972-1975. The Insurance Institute for Highway Safety (IIHS) data indicates that fatalities represent 18%, injuries 67% and property damage and no-injury accidents represent the remaining 15% of the 241 cases reported for the years 1968-1977. Neither data base is considered representative of the nation because the actual number of split-rim accidents is not ascertainable nor can the annual frequency of occurrence be predicted with a high degree of accuracy. Since the reported accidents do not represent a statistical sampling, but are only cases known to each organization, the above listed values are being used as a lower limit of accident exposure.

A review of accident descriptions provided by the Insurance Institute for Highway Safety indicates that 53% of accidents under OSHA jurisdiction occurred while the tire was being mounted/demounted, 31% while the wheel was being installed/removed and the remainder (16%) when the wheel was being handled or moved. Two percent (i.e., 5) of the 241 accidents that were evaluated, occurred while a safety cage or restraint was being used. A breakdown of the 16% category indicates that numerous accidents occurred while moving an inflated tire in the service area, measuring tire pressure, removing the valve core or simply while storing an inflated tire at rest. In some cases, multi-piece wheels exploded and injured or killed experienced tire service personnel

working on them at the time. However, it would appear that in many cases, the employees had never received any training nor had they ever been apprised of the inherent hazards and the safety practices to be followed.

Although the presented values may not be statistically representative of all multi-piece wheel accidents, they provide an insight into the relative order of magnitude of fatalities and injuries. The severity of injuries has not been classified into defined categories, but an examination observation of IIHS accident briefs suggests the existence of a higher than expected proportion of fatalities and severe injuries, including many permanent disabilities.

E. Present Regulations

At present, there are no specific OSHA general industry standards that apply to the handling and servicing of multi-piece rims. In the construction safety and health standards, § 1926.600(a)(2) requires only that a tire rack, cage, or equivalent protection be provided and used when inflating tires or multi-piece rims or rims equipped with locking rings or similar devices. Section 1926.600 would not be affected by this proposal.

II. Major Issues

During the research and formulation phases of this proposal, the Office of Mechanical Engineering Standards has concluded that safety practices and procedures which are currently in effect for multi-piece wheels are fairly general in nature. More precise safety criteria may be helpful in developing the final regulation. Accordingly, OSHA invites public comment on the following issues as well as the other issues raised by this proposal.

(1) *Whether training is an effective method to reduce accidents associated with multi-piece rims and what training should be required?* Proper training and demonstrated servicing ability would be required by the proposal before an employee would be permitted to service multi-piece wheels. A review of accident data, petitions and correspondence to OSHA indicates that tire mechanics simply do not understand the potential lethal effects associated with multi-piece wheel repair nor are they aware of recommended safe operating practices.

The content of training material required by the proposal would include, but not be limited to, that which is contained in the DOT wall charts. The adequacy of material on the charts as an effective training aid and availability of additional sources of information must both be assessed for establishment of

training requirements. OSHA solicits information as to appropriate materials for training employees to service multi-piece wheels and methods of providing such training.

Public response is solicited as to whether training is considered a feasible method to reduce hazards and whether the approach stated in the employee training section of the proposed standard is considered adequate to achieve these results.

(2) *Whether a restraining device should be required from the time of inflation to the time of installing a wheel on a vehicle?* Installation or removal of a wheel on/off an axle is another safety hazard, especially the removal of a wheel that has been driven while underinflated. Also, the handling of inflated wheels outside of restraining devices or those stored within the service area presents a potential hazard to tire mechanics. In these situations, lock rings may be latched in an improper position, and if bumped or jolted, they are susceptible to being trajected from the rim base.

A crucial issue is how to reduce the number of injuries which happen from the time that the wheel is removed from the restraining device until it is installed on the vehicle. Even though the use of a restraining device from the time that a tire is inflated to the time that the vehicle weight is placed on the tire would prevent many of the serious accidents, OSHA believes that such a practice is not feasible, and is not proposing it as a requirement.

If restraining devices are to be required when installing, removing or handling an inflated tire and wheel, what types of devices are available, will they interfere with the vehicle body and are other safety techniques known to eliminate the potential hazards? The agency solicits data and information on the need for ring containment during the entire time of servicing and the practicality of this concept.

(3) *What different types of restraining devices are currently available?* Cages are considered to be the most popular and versatile type of restraining device in use; however, OSHA wants to determine what other types of restraining devices are available, commonly used and considered to be as reliable as a cage. Do any factors other than cost and portability influence the decision to purchase or use a specific type? Of concern to OSHA are those types of devices that should not be used or those specific circumstances under which their use should be prohibited.

Whether a sufficient number of devices will be commercially available

on the effective date for compliance with this regulation is another concern. Have any patents been granted that will control or restrict widespread production of a specific design or safety feature? Do fixed restraining devices have an advantage over portable units or can they be interchanged without significantly altering employee protection? In essence, OSHA's proposed requirement for the construction of a restraining device is that the device constrain wheel components in the event of an explosive separation. To fulfill this requirement, what criteria for cage configuration is advocated for use as an industry-wide standard?

(4) *Whether strength requirements for restraining devices should be specified?* The proposal requires use of a restraining device when inflating a tire within a service area. If strength requirements for such a restraining device are to be specified, one must determine the force or the actual energy that will be transferred to a cage for each tire size. OSHA is requesting information about the current methods being used by manufacturers to determine the fraction of energy being transferred to the restraining device.

It is anticipated that various manufacturers will begin production of newly designed equipment and that home-made units will be fabricated to meet the requirement for restraining devices. To assure that restraining devices are of adequate strength, OSHA solicits data as to those design specifications and structural requirements currently in use by manufacturers that could serve as a national standard.

Some restraining devices could be designed to function within the plastic range of the stress-strain curve during a wheel separation. Should continued use of such devices be permitted after the initial permanent deformation, and if so, what degree of deformation is acceptable? Also, what criteria should be used to determine when a deformed device should be removed from service? OSHA believes that some strength requirements and other parameters are essential to assure reliable operation and solicits public response.

(5) *Whether hydraulic lift hoist rails can be considered an adequate restraining device?* Since hydraulic lifts are readily available in most tire repair shops, the hoist rails obviously are available for use as a restraining device when lowered directly over a wheel resting on the floor. The National Safety Council (Data Sheet No. 411) has recommended their use as a viable

restraining device; however, OSHA questions their adequacy since the hoist must be properly positioned to serve this function safely. If the hoist is resting on the rim base, the lock ring of certain rims cannot become properly seated, thereby causing a safety hazard. Likewise, if the hoist is too high or not centered over the wheel, the lock ring motion may not be controlled during an actual separation. Also, the spacing between the hoist rails must be less than the outside diameter of the lock ring in order to restrain flying wheel components. Specific criteria are required to establish the effectiveness of using a hoist as a restraining device. OSHA requests data and information on the extent to which hydraulic lifts are used for this purpose along with data as to their effectiveness and safety. Even though the use of hoist rails as a restraining device is not mentioned in the proposal, should its use be prohibited?

(6) *When should a rim component be removed from service?* Damaged, bent, worn or corroded rim bases and rings are often claimed as the cause of wheel separations. The determination of component quality is currently a subjective judgment made by the mechanic inspecting a wheel during assembly. The primary concern is the availability of specific guidelines so that a mechanic can make an objective, rather than subjective, decision when confronted with a potential problem during inspection. Specific criteria for the twist of a sprung split ring, the amount of surface rust and corrosion on lip and gutter surfaces and the amount of wear on lip and gutter surfaces will be beneficial to determine when a rim component can be used. To accomplish this end, OSHA requests data and information that can be useful for establishment of objective requirements to determine when a rim component should be removed from service.

(7) *Whether or not the information in DOT Wall Charts should be posted or simply be available to tire mechanics?* Information contained in DOT Wall Charts is essential for understanding safe operating practices for servicing multi-piece wheels. OSHA proposes that this information be available in the service area. The wall charts are available free from the NHTSA to persons servicing multi-piece wheels, or for a small fee, they are available to establishments from the Government Printing Office (GPO). (See Appendix B.)

OSHA wishes to determine whether there are other sources which provide the information on the wall charts, such as booklets, plastic coated cards, other

posters, charts or different formats. OSHA also wants to know whether shops currently using this instructional material have a preference for a particular form. Finally, is the posting of charts for easy observation more effective than simply having the information available for reference in the service area?

(8) *Whether a warning label for multi-piece rims should be specified?* Section (6)(b)(7) of the Occupational Safety and Health Act of 1970 addresses "... the use of labels or other appropriate forms of warning..." associated with employee exposure to hazards. Lock rings, side rings and rim bases, because of their size and operational use, do not lend themselves well for labeling. The manufacturer's name, size, type of rim and manufacturing date are presently required to be on each multi-piece rim in accordance with Federal Motor Vehicle Safety Standard 120. This information is imprinted into the metal components; however, due to rust and mud the legibility is reduced commencing with use of the wheel. Rim manufacturers claim that stamping letters into rim components creates stress raisers, a hazard in itself and recommend that the imprinting of rim components be minimized. Is there an alternative to labeling or imprinting as a means of informing the user of the relevant hazards?

Labels containing appropriate warning are usually affixed to equipment containing the hazard. Assuming that a label or warning cannot be fastened to a rim component, should it be affixed to the restraining devices, or perhaps on a separate chart posted for visual reference within the service area? Is the warning statement contained on the DOT wall chart considered to be sufficient notice of the hazards? OSHA solicits comments on the need for a warning label, the contents of the label and the recommended location for its placement.

(9) *Whether inflation of a wheel mounted on an axle should be permitted?* Inflating an installed wheel which has been driven while flat or severely underinflated is potentially dangerous. Some consider it so dangerous that they advocate removal of the wheel from the vehicle for inflation within a restraining device, while others consider inflation of the wheel on the vehicle to be perfectly safe when proper precautions are taken. Inflation of the wheel on the vehicle, while using a clip-on chuck attached to the valve stem and a sufficient length of hose to permit the attending mechanic to stay clear of the trajectory path,

provides safety for the mechanic but may be a hazard for others. If the mechanic inflates the wheel only when no one is in the trajectory path, the hazard will be eliminated. Is this approach reasonable; if not, what other method is recommended?

III. Summary and Explanation

(A) *Proposed Rule.* The proposed rule is subdivided into six categories: scope, definitions, employee training, tire servicing equipment, wheel component acceptability, and safe operating procedures. The following summary will provide an explanation and discussion of the requirements of this proposed safety standard.

(1) *Scope.* The proposed regulation is intended primarily for the protection of employees engaged in repair of split rim wheels used on trucks, buses or other large vehicles. It will also apply to the service and maintenance of all multi-piece vehicle wheels whether used in construction, agriculture, maritime or general industry. The proposed standard, however, would only apply to employees performing the repair in workplaces covered by Part 1910.

A review of rim specifications indicates that all rims using a split ring have at least a 16" nominal diameter. The proposal reflects this finding by covering only rims 16 inches or greater in nominal diameter. It is hoped that this will eliminate the potential for misapplying this regulation to the smaller wheels used on automobiles, boat trailers, utility trailers, vehicles with solid tires or other multi-piece rims not using lock rings.

(2) *Definitions.* The definitions are stated as commonly used in the tire industry; however, some have been modified slightly to accommodate the regulatory nature of this proposal.

Throughout the relevant literature, the term "mounting" has two different meanings. In one case, "mounting" a tire means assembling a tire with an appropriate rim and tube, while in the other case it means attaching a wheel to an axle. A review of nationwide accident reports indicates that the word "mounting" is used in both senses throughout the United States. For the purposes of this proposal, OSHA will use the terms "mount and demount a tire" to mean the assemblage and disassemblage of a wheel. "Install and remove a wheel" means the attachment and removal of a wheel to/from a vehicle axle hub. This choice of definitions lessens the possibility of confusion associated with the "dismounting a tire" vs. "dismounting a wheel" usage, while still conforming to

NHSTA and tire manufacturer terminology. The term "dismounting" will not be used in this proposal but will be replaced with "removal." OSHA solicits public comments on this choice of terminology.

(3) *Training.* The proposal would require every employee who services multi-piece rim wheels to be trained in proper techniques and practices applicable to this type of wheel. Training would be required because many tire mechanics simply do not understand the potential danger involved in servicing split rims. The need for training is substantiated by a review of accident cases in which there appears to be a lack of knowledge of safe operating practices. Additionally, the majority of petitioners have requested a training requirement.

OSHA considers that training, in conjunction with the use of a restraining device and clip-on chuck, can be an effective technique contributing significantly to a reduction of accidents.

This proposal does not specify the training program contents but simply requires continuous employee proficiency in given elements of servicing. A mechanic's level of proficiency can be evaluated by demonstration of his familiarity and demonstrated ability relative to information contained in the DOT wall charts. By requiring a level of acceptable proficiency to be attained, the proposed standard can be stated in performance language, thus providing flexibility for the employer in achieving the desired end result. This technique places the burden of providing adequate training and evaluation solely on the employer. Employees are adequately trained if they have thorough knowledge of and can apply the information contained in the DOT wall charts and this OSHA regulation.

(4) *Tire servicing equipment.* The unintended explosive separation of a lock ring from its rim base is the primary cause of all occupational accidents associated with multi-piece wheels. A majority of the accidents under OSHA jurisdiction have occurred while the tire was being inflated following assembly. Accordingly, a significant reduction of injuries can be attained through use of a device specifically designed to protect mechanics from lethal airborne wheel components. An accepted practice for employee protection is to use a cage surrounding the wheel in such a manner as to prevent any wheel component from being hurled beyond the cage boundaries. The proposal would require mandatory use of a restraining device while inflating a tire off the vehicle,

except that a tire may be inflated to ten psig without a restraining device for the purpose of seating the wheel components. So as not to limit innovation, OSHA proposes to permit use of machinery or equipment other than cages which will also constrain an entire wheel and prevent any component from striking an employee regardless of wheel position within the device.

Inflation of tires installed on vehicles presents another major safety hazard. Because of the impracticality of using restraining devices on installed wheels, equivalent safety can be attained by use of equipment which permits the attendant to be clear of the possible trajectory path of each wheel component.

Due to the magnitude of forces associated with a wheel separation, strength requirements for restraining devices are being proposed. Specifying these requirements necessitates knowing the amount of potential energy stored in the compressed air of a tire that will be transferred to the restraining device during a separation. For example, an analysis of high speed film in which the rim base gutter cone angle was machined to favor an explosive separation indicated that 8,200 ft.-lbs. of energy was released when a 10.00 x 20 test tire was inflated to 105 psi. Calculations of the total pneumatic energy in the tire indicated 75,000 ft.-lb. of available potential energy. After the energy transfer is determined, selection of an appropriate factor of safety will lead to a properly designed restraining device.

OSHA proposes that the generally accepted minimum factor of safety, 1.5 for machinery, be used for the largest wheel that the device can hold. Not only does it provide a larger margin of safety for smaller wheels inflated within the same device, it also provides flexibility for users who assemble single size tires.

The proposal would prohibit the use of restraining devices with cracks in welds or components. Cracks in welds or equipment components are undesirable stress raisers which may cause equipment failure when subjected to dynamic loading. The factor of stress concentration for some cracks may exceed the 1.5 factor of safety. Therefore, if a cracked member of a restraining device is loaded to its design value, the apex of the crack may become overstressed and enlarged.

The availability of current wall charts and rim manuals will assure ready reference for tire mechanics encountering unusual situations or rim matching problems. The only way to

assure availability of the charts and manuals to mechanics performing the work, is to require their presence in the workplace, thus providing the mechanics with information necessary to safely accomplish their task.

(5) *Wheel component acceptability.* The proposal would require that wheel and rim components not be interchanged between different manufacturers' wheel models, except as provided on the DOT Multi-Piece Rim/Wheel Matching Chart.

Whenever the side or lock rings are bent out of shape, corroded or broken, the proposal would require that they not be used and that they be removed from the service area.

Any rim component containing visible cracks would be prohibited from use and would have to be disposed of. The mating surfaces of the rim gutter, rings and tire must be free of any surface rust, scale or rubber build-up prior to assembly and inflation.

OSHA believes that adherence to these procedures will significantly reduce the potential hazard in servicing multi-piece rims.

(6) *Safe operating procedures.* The safe operating practice provisions of this proposal would require that every employer instruct all his employees engaged in servicing multi-piece wheels in the practices and procedures prescribed in these standards, which are those recommended on the basis of industrial experience. These procedures are described below.

Before a wheel is removed from the vehicle axle or before the wheel is demounted, the tire shall be completely deflated. On dual wheel assemblies, both tires shall be deflated before removing a wheel from the axle to avoid any violent disturbance of the assembly.

Before assembly and inflation of the wheel and tire, a rubber lubricant shall be applied to the bead and rim mating surfaces to reduce sliding friction.

After a tire has been inflated in a restraining device and while the tire is still so protected, the tire, rim and ring(s) shall be inspected to make sure they are properly seated and locked. If it is determined that further adjustment work on the rim or ring(s) is necessary, the tire must be deflated before proceeding on any adjustment. Under no circumstances shall any attempt be made to adjust the seating of the side and lock ring(s) by hammering, striking or forcing the components while the tire is inflated, so as to avoid any violent separation.

Tires that are being serviced off the vehicle shall be inflated to desired specification pressure while still

contained in the restraining device. Tires may be inflated to not more than 10 psig outside the restraining device for the sole purpose of seating the tube, flap, tire and lock rings. For pressures at or below 10 psig, the danger of an explosive separation is minimal. The low risk of injury during the seating process must be compared to a higher risk of injury due to an explosive separation if the rings are not properly seated. When a tire is placed into a restraining device, the lock rings may slip out of the gutter, thus, setting the stage for subsequent explosive separation. Therefore to assure proper setting of lock rings, OSHA would permit tires to be partially inflated outside of a restraining device.

If a tire explodes within the restraining device, the suddenly applied force exerted against the frame will immediately be transferred to the object or person resting against it. Except for containment of the exploding wheel components, the effects of the force upon the person or object leaning against the frame will be almost as severe as if the frame was not present. This process can be compared to a pool ball being hit by a fast moving cue ball. The energy of the rings is transferred to the tool, object or person leaning against the restraining device. Under no circumstances shall any tire mechanic lean himself or any tool against the restraining device during tire inflation.

Whenever any part of a rim base, rings or lugs is to be subjected to a high temperature heat source, such as from a welding or brazing torch, the tire must be completely deflated. Heat applied to the metal components increases the air pressure in the tire and may produce a sudden unintended separation.

Whenever inflated wheels are being moved or temporarily stored in a service area, they shall be positioned so that the possible trajectory path of a lock ring will not pass through the service area which normally may be occupied by service personnel.

IV. Regulatory Assessment Statement

In accordance with Executive Order No. 12044 (43 FR 12661, March 24, 1978), OSHA has assessed the potential economic impact of this proposal. Based on the economic identification criteria followed by the Department of Labor (44 FR 5570, January 26, 1979), OSHA has concluded that the subject matter of this proposal is not a "major" action which would necessitate further economic impact evaluation and the preparation of a Regulatory Analysis.

This determination is based on a June 29, 1978, report by Centaur Management

Consultants, Inc. The major findings of the "Economic Impact Statement/Assessment for Multi-Piece Rim Assemblies" include:

—The population at risk is approximately 322,000 persons. These persons are employed in 102,500 workplaces in ten industry segments. These persons will benefit from a safer workplace as a result of the standard.

—From 1968 to 1975, the wheel and rim industry reported a total of 295 injuries resulting from multi-piece rim accidents. A minimum of 22 fatalities resulted from these accidents.

—Provisions of the standard resulting in economic impact include the use of restraining devices, clip-on-chuck assemblies and training.

—Capital costs resulting from compliance with the standard total \$8,342,000. Total annualized costs including capital and training costs are estimated to total \$3,810,000.

—Cost, productivity, employment, critical materials, energy and market structure impacts were examined. No significant impacts on any of these areas were found to result from compliance with the standard.

Based on estimated sales of restraining devices over the past 10 years, 24% of stationary workstations presently use cages or racks and 72% of mobile workstations presently use portable safety racks. It is estimated that those establishments currently using restraining devices also use clip-on-chucks with in-line valves. Therefore, approximately 77,700 establishments will have to purchase at least a \$134 cage and a \$21 clip-on-chuck for compliance with this standard. Wall charts and rim manuals are free to tire assemblers; consequently, only administrative costs are involved in their acquisition. The cost of training employees should not exceed an hour of employee time plus corresponding instructor time.

The major benefit to be attained by complying with this regulation is a significant reduction in the number of fatalities and permanent injuries which occur while servicing multi-piece rim wheels each year.

The benefit derived from using the proposed training technique is that it is applicable to both experienced employees and new hires; and flexible as employers may choose to conduct group training classes rather than individual instruction. In general, increased productivity, reduced insurance premiums, reduced workers compensation payments and fewer product liability suits can be expected through compliance with this standard.

The regulatory assessment is available for inspection and copying at the U.S. Department of Labor Building, OSHA Docket Office, Room S-6212, 200 Constitution Avenue, N.W., Washington, D.C. 20210. OSHA invites comments concerning the conclusions reached in the economic impact assessment.

V. Public Participation

Interested persons are invited to submit written data, views, and arguments with respect to this proposal. These comments must be postmarked on or before July 6, 1979, and submitted in quadruplicate to the Docket Officer, Docket No. S-005, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Room S-6212, Washington, D.C., 20210. Written submissions must clearly identify the provisions of the proposal which are addressed and the position taken with respect to each issue.

The data, views, and arguments that are submitted will be available for public inspection and copying at the above address. All timely written submissions received will be made a part of the record of this proceeding.

To assist interested persons in submitting their written comments and data, OSHA is scheduling a public meeting during the comment period. The meeting will be held on Tuesday, June 19, 1979, in Room S-4215 A, B and C, Department of Labor, 200 Constitution Avenue, N.W., in Washington, D.C. It will begin at 9:00 a.m., will recess from 12 noon to 1 p.m., and will continue until 5 p.m.

The public meeting is intended as an informal forum for interested persons to present their concerns orally and to seek clarification of the proposal from representatives of OSHA who will conduct the public meeting.

OSHA requests that any person wishing to make an oral presentation at the meeting notify OSHA in advance. Please identify the person and/or organization intending to make a presentation, telephone number, the amount of time requested for that presentation, and the subject matter and a brief summary of the intended presentation, if possible. This written notice should be sent to Docket S-005, Docket Office, Rm. S-6212, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210 no later than June 12, 1979. All persons giving advance notice will have time reserved for their oral presentations. Persons wishing to speak who have not filed advance notices are requested to register from 8:30 a.m. to

9:00 a.m. on the morning of the public meeting.

As long as time permits, all persons who wish to be heard will be allowed to speak. However, in the interest of time, persons who have provided advance notice will be given priority.

Detailed minutes of the meeting will be prepared and will be made a part of the record of this rulemaking. Copies of the minutes will be available for inspection at the OSHA Docket Office, Room S-6212, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Pursuant to 29 CFR 1911.11(b) and (c), interested persons may, in addition to filing written submissions and attending the public meeting as provided above, file objections to the proposal and request an informal public hearing with respect thereto in accordance with the following conditions:

(1) The objections must include the name and address of the objector;

(2) The objections must be postmarked on or before July 6, 1979, and submitted to the Docket Office at the above address;

(3) The objections must specify with particularity the provisions of the proposed rule to which objection is taken, and must state the grounds therefor;

(4) Each objection must be separately stated and numbered; and

(5) The objections must be accompanied by a detailed summary of the evidence proposed to be adduced at the requested hearing.

VI. Authority

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Third Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Accordingly, pursuant to section 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655) Secretary of Labor's Order No. 8-76 (41 FR 25059), and 29 CFR Part 1911, Part 1910 of Title 29, Code of Federal Regulations is proposed to be amended by adding a new § 1910.177 as set forth below.

Signed at Washington, D.C., this 19th day of April 1979.

Eula Bingham,
Assistant Secretary of Labor.

Part 1910 of Title 29 of the Code of Federal Regulations is proposed to be amended by adding a new § 1910.177 to read as follows:

§ 1910.177 Servicing and repairing of multi-piece rim wheels.

(a) *Scope.* This section applies to the servicing of vehicle wheels containing multi-piece rims sixteen inches or larger in diameter.

(b) *Definitions.* "Installing a wheel" means the transfer and attachment of an assembled wheel onto a vehicle axle hub. Removing means the opposite of installing.

"Mounting a tire" means the assembly or putting together of rim components, tube, liner (flap) and tire to form a wheel, including inflation. Demounting means the opposite of mounting.

"Multi-piece rim" means a vehicle wheel rim consisting of two or more parts, at least one of which is detachable, designed to hold the tire in place on the rim.

"Restraining device" means a mechanical apparatus such as a safety cage, rack or safety bar arrangement that will constrain all multi-piece rim wheel components within the device following their release during an explosive separation of the wheel.

"Rim manual" means a publication containing instructions from the manufacturer for correct mounting, demounting, maintenance and safety precautions peculiar to the multi-piece rim being serviced.

"Service or servicing" means the mounting, demounting, inflation, installing, removing, maintaining, repair, handling or storing of multi-piece rim wheels and inflation and deflation of wheels installed on vehicles.

"Service area" means that part of an employer's premises customarily or routinely used for the servicing of multi-piece rims.

"Trajectory path" means a route or curve that a lock ring, side ring, rim base or tire will travel as it is hurled from the rim base during an explosive tire separation. The components can be expected to depart nearly perpendicular to their assembled position on the rim base at time of separation. (See Appendix A for examples of trajectory paths.)

"Wall Charts" means the United States Department of Transportation, National Highway Traffic Safety Administration (NHTSA) publication entitled "Safety Precautions for Mounting and Demounting Tube-type Truck/Bus Tires" and "Multi-Piece Rim/Wheel Matching Chart," or other publications containing the same instructions, safety precautions and other information as are contained on those charts.

(c) *Employee training.* (1) Where an employer services multi-piece rim

wheels, the employer shall provide a training program to educate employees to recognize and deal with the hazards involved with servicing multi-piece rim wheels and the safety procedures to be followed.

(i) The employer shall assure that no employee services any multi-piece rim wheel without being trained and instructed in correct mounting, demounting, maintenance, and safety precautions for the rim type being serviced and in the procedure described in paragraph (f) of this section.

(ii) Information to be employed in the training program shall include, but not necessarily be limited to, the data contained on the DOT wall charts and the contents of this standard.

(iii) Where an employer knows or has reason to believe that one of his employees is unable to read or understand the wall chart or rim manual, he shall instruct him orally about their contents.

(2) The employer shall assure that each employee demonstrates his ability to service safely wheels containing a multi-piece rim before that employee is permitted to perform this service by himself. The demonstration shall include the following tasks:

(i) Deflation and demounting of wheels;

(ii) Inspection of rims, lock rings and tires;

(iii) Mounting and inflation of wheels;

(iv) Use of restraining devices;

(v) Handling of inflated wheels;

(vi) Installation of inflated wheels on axles;

(vii) Removal of wheels; and

(viii) Inflation of tires installed on vehicle.

(d) *Tire servicing equipment.* (1) The employer shall furnish a restraining device and shall assure that employees use the restraining device in servicing multi-piece rim wheels.

(i) Tires shall be inflated only when contained by a restraining device, with the following exceptions:

(a) when the wheel assembly is installed on a vehicle, tires may be inflated without a restraining device if remote control inflation equipment is used and no employees are in the trajectory path; or

(b) when the lock ring is being seated, tires may be partially inflated as provided in paragraph (f)(4) of this section.

(ii) Each restraining device shall have the capacity to withstand the force that would be transferred to it during an explosive wheel separation occurring at 150% of maximum tire specification

pressure for the largest wheel that the device can hold.

(iii) Restraining devices shall be capable of preventing rim components from being hurled outside or beyond the frame of the device for any wheel position within the device.

(iv) Use of any restraining device having cracks in welds or components is prohibited.

(v) Damaged restraining devices shall be removed from service.

(2) A clip-on chuck, a sufficient length of hose to permit the attending mechanic to stand clear of the trajectory path, and an in-line, manually-operated valve with gauge or a pressure regulator preset to a desired value shall be used to inflate tires.

(3) Current wall charts shall be posted at a prominent place in the service area.

(4) A current rim manual containing mounting instructions for the type of rims being serviced by shop employees shall be available to employees in the service area.

(5) Proper tools shall be used to repair or service wheels.

(6) Rubber lubricant shall be available in the service area.

(e) *Wheel component acceptability.*

(1) Wheel components shall not be interchanged except as provided for in the DOT "Multi-Piece Rim/Wheel Matching Chart."

(2) Side and lock rings which are bent out of shape, corroded, excessively worn, broken or cracked shall not be used and shall be removed from the service area.

(3) Mating surfaces of the rim gutter, rings and tire shall be free of any surface rust, scale or rubber build-up prior to mounting and inflation.

(f) *Safe operating procedure.* The employer shall establish a safe operating procedure for servicing multi-piece wheels and assure that employees are instructed in and follow that procedure. The procedure shall include, but not be limited to the following elements:

(1) Tires shall be completely deflated before being demounted.

(2) Tires that have been driven underinflated shall be deflated to 10 pounds per square inch gauge (psig) or less before removed from the vehicle axle.

(3) Rubber lubricant shall be applied to bead and rim mating surfaces for assembly and inflation of the wheel.

(4) When a tire is partially inflated without a restraining device for the sole purpose of seating the lock ring, air pressure shall not exceed 10 psig.

(5) Whenever a tire is in a restraining device during inflation, the employee

shall not rest or lean any part of his body or equipment on or against the restraining device.

(6) After tire inflation, the tire, rim and ring(s) shall be inspected while still within the restraining device to make sure that they are properly seated and locked. If further adjustment to the tire, rim or ring(s) is necessary, the tire shall be deflated before making the adjustments.

(7) No attempt shall be made to correct the seating of side and lock ring(s) by hammering or forcing the components while the tire is pressurized.

(8) Whenever high temperature heat, e.g., from a welding torch, is applied to any part of a rim base, rings or lugs, either on or off the vehicle, the tire shall first be completely deflated.

(9) Inflated wheels being moved or stored in a service area shall be positioned such that the trajectory path of a lock ring will not pass through an area normally occupied by employees.

(10) Tires shall be deflated prior to being removed from a vehicle axle and no employees are to be in the trajectory path during such deflation.

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APPENDIX A
TRAJECTORY PATHS

WARNING
ALWAYS STAY OUT OF
THE TRAJECTORY PATH AS
INDICATED BY SHADED AREA

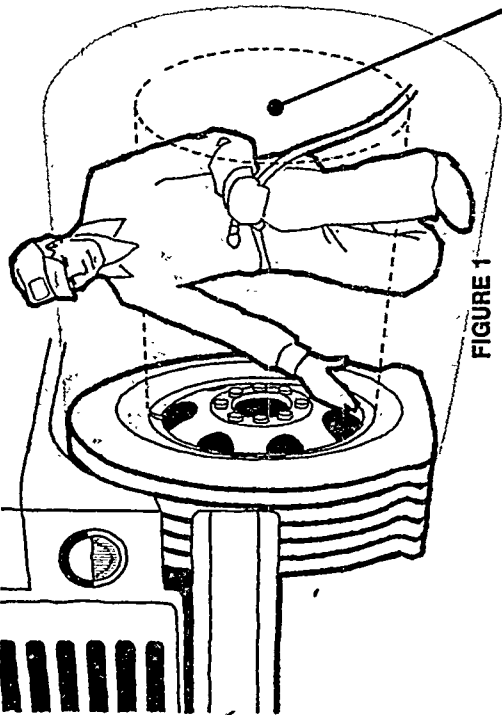


FIGURE 1

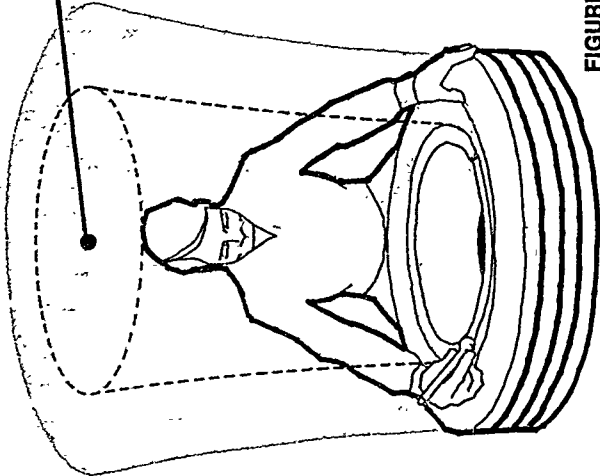


FIGURE 2

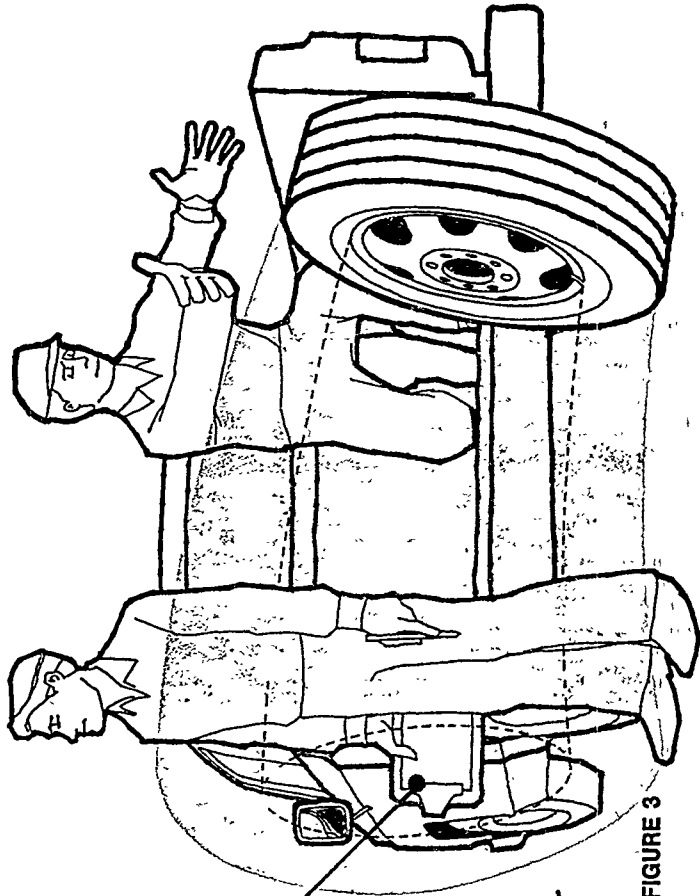


FIGURE 3

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Appendix B—Wall Charts Ordering Information

NHTSA has prepared safety information charts as part of a continuing campaign to alert truck and bus service personnel to the hazards involved when working with multi-piece wheels.

One of the charts, called the "Safety Chart," illustrates the proper safety precautions to be followed when servicing multi-piece truck and bus wheels. The companion "Matching Chart" provides guidance on the various wheel makes and components that can be safely interchanged. These charts are available to all persons who service multi-piece truck and bus wheels.

Individuals who service such wheels may obtain a single copy of each chart, without cost, by writing to the General Services Division/Distribution, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

Service establishments and other organizations desiring these charts may order them in any quantity desired from the Superintendent of Documents, Government Printing Office (GPO), Washington, D.C. 20402, at a cost established by the GPO. GPO ordering number for the charts are:

Safety Chart—050-003-0315-8, Cost: \$2.25.

Matching Chart—050-003-00316-6, Cost: \$2.00

(Sec. 84 Stat. 1593 (29 U.S.C. 655); Secretary of Labor's Order 8-76 (41 FR 25059), 29 CFR Part 1911.)

[Docket No. S-005]

[FR Doc. 79-12758 Filed 4-23-79; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
CSA	MSPB*/OPM*		CSA	MSPB*/OPM*
	LABOR			LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

*NOTE: As of January 1, 1979, the Merit Systems Protection Board (MSPB) and the Office of Personnel Management (OPM) will publish on the Tuesday/Friday schedule. (MSPB and OPM are successor agencies to the Civil Service Commission.)

Rules Going Into Effect Today

Note: There were no items eligible for inclusion in the list of Rules Going Into Effect Today.

List of Public Laws

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-375-3030).

H. J. Res. 283 / Pub. L. 96-9 Reaffirming the United States commitment of the North Atlantic Alliance. (Apr. 19, 1979; 93 Stat. 22) Price \$60.

Last Listing April 12, 1979

